



IRF22/3345

## Gateway determination report – PP-2022-2811

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Reclassification and rezoning of land at various sites

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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## Reclassification and rezoning of land at various sites

# 1 Planning proposal

## 1.1 Overview

**Table 1 Planning proposal details**

<b>LGA</b>	<b>Lake Macquarie City Council</b>
<b>PPA</b>	<b>Lake Macquarie City Council</b>
<b>NAME</b>	<b>Reclassification and rezoning of land at various sites</b>
<b>NUMBER</b>	<b>PP-2022-2811</b>
<b>LEP TO BE AMENDED</b>	<b><i>Lake Macquarie Local Environmental Plan 2014</i></b>
<b>ADDRESS</b>	<ol style="list-style-type: none"> <li>1. 60-62 Main Road, Boolaroo</li> <li>2. Part of 27C First Street, Cardiff South, South of Ada Street</li> <li>3. 27 First Street, Cardiff South &amp; part of 27C First Street, Cardiff South, North of Ada Street</li> <li>4. 21 Narara Road, Cooranbong</li> <li>5. 48 Oakdale Road, Gateshead</li> <li>6. 4a Clare Street, Glendale</li> <li>7. 62A Graham Street, Glendale</li> <li>8. 16 Skye Street, Morisset</li> <li>9. 38 Alison Street, Redhead</li> <li>10. 20 Ruttleys Road, Wyee</li> </ol>

<b>DESCRIPTION</b>	<ol style="list-style-type: none"> <li>1. 60-62 Main Road, Boolaroo, Lot 4 &amp; 5 Sec E DP 3494</li> <li>2. Part of 27C First Street, Cardiff South, Lot 30 DP 196, South of Ada Street</li> <li>3. 27 First Street, Cardiff South, Lot 1 DP 190522 &amp; 27C First Street, Cardiff South, Lot 30 DP 196, North of Ada Street</li> <li>4. 21 Narara Road, Cooranbong, Lots 4, 5, 6 &amp; 7 Section O DP 724</li> <li>5. 48 Oakdale Road, Gateshead, Lot 20 DP 1115790</li> <li>6. 4a Clare Street, Glendale, Lot 103 DP 553828</li> <li>7. 62A Graham Street, Glendale, Lot 62 DP 247342</li> <li>8. 16 Skye Street, Morisset, Lot 1 Section 12 DP 758707</li> <li>9. 38 Alison Street, Redhead, Lot 50 DP 844457</li> <li>10. 20 Ruttleys Road, Wyee, Lot 495 DP 755242</li> </ol>
<b>RECEIVED</b>	<b>20/09/2022</b>
<b>FILE NO.</b>	<b>IRF22/3345</b>
<b>POLITICAL DONATIONS</b>	<b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>
<b>LOBBYIST CODE OF CONDUCT</b>	<b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives and intended outcomes of the planning proposal are to:

- reclassify 9 sites from community land to operational land;
- rezone a number of sites to enable development;
- amend development standards where appropriate;
- lease or sell properties; and
- dedicate one site as road.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the *Lake Macquarie Local Environmental Plan 2014* to make the changes below:

**Table 2 Current and proposed controls**



Site	Current	Proposed
1. 60-62 Main Rd, Boolaroo	<ul style="list-style-type: none"> <li>Classified Community Land</li> <li>Zoned B1 Neighbourhood Centre</li> <li>Height of buildings 10m</li> <li>No minimum lot size</li> </ul>	<ul style="list-style-type: none"> <li>Reclassify Operational Land</li> <li>No zone change</li> <li>No height change</li> <li>No minimum lot size</li> </ul>
2. 27C First St south of Ada St	<ul style="list-style-type: none"> <li>Classified Community Land</li> <li>Zoned R2 Low Density Residential</li> <li>Height of buildings 8.5m</li> <li>Minimum lot size 450sqm</li> </ul>	<ul style="list-style-type: none"> <li>Reclassify Operational Land</li> <li>No zone change</li> <li>No height change</li> <li>No change in minimum lot size</li> </ul>
3. 27 First St north of Ada St	<ul style="list-style-type: none"> <li>Classified Community Land</li> <li>Zoned R2 Low Density Residential</li> <li>Height of buildings 8.5m</li> <li>Minimum lot size 450sqm</li> </ul>	<ul style="list-style-type: none"> <li>Reclassify Operational Land</li> <li>Rezone to R3 Medium Density Residential</li> <li>Change height to 10m</li> <li>Change minimum lot size to 900sqm</li> </ul>
4. 21 Narara Rd Cooranbong	<ul style="list-style-type: none"> <li>Classified Community Land</li> <li>Zoned RE1 Public Recreation</li> <li>Height of buildings 8.5m</li> <li>No minimum lot size</li> </ul>	<ul style="list-style-type: none"> <li>Reclassify Operational Land</li> <li>Rezone to R2 Low Density Residential</li> <li>No height change</li> <li>Change minimum lot size to 450sqm</li> </ul>
5. 48 Oakdale Rd Gateshead	<ul style="list-style-type: none"> <li>Classified Community Land</li> <li>Zoned IN2 Light Industrial</li> <li>Height of buildings 15m</li> <li>Minimum lot size 1,500sqm</li> </ul>	<ul style="list-style-type: none"> <li>Reclassify Operational Land</li> <li>No zone change</li> <li>No height change</li> <li>No change in minimum lot size</li> </ul>
6. 4a Clare St Glendale	<ul style="list-style-type: none"> <li>Classified Community Land</li> <li>Zoned RE1 Public Recreation</li> <li>Height of buildings 8.5m</li> <li>No minimum lot size</li> </ul>	<ul style="list-style-type: none"> <li>Reclassify Operational Land</li> <li>Rezone to R3 Medium Density Residential</li> <li>Change height to 10m</li> <li>Change minimum lot size to 900sqm</li> </ul>
7. 62A Graham St Glendale	<ul style="list-style-type: none"> <li>Classified Community Land</li> <li>Zoned RE1 Public Recreation</li> <li>Height of buildings 8.5m</li> <li>No minimum lot size</li> </ul>	<ul style="list-style-type: none"> <li>Reclassify Operational Land</li> <li>Rezone to R2 Low Density Residential</li> <li>No height change</li> <li>Change minimum lot size to 450sqm</li> </ul>


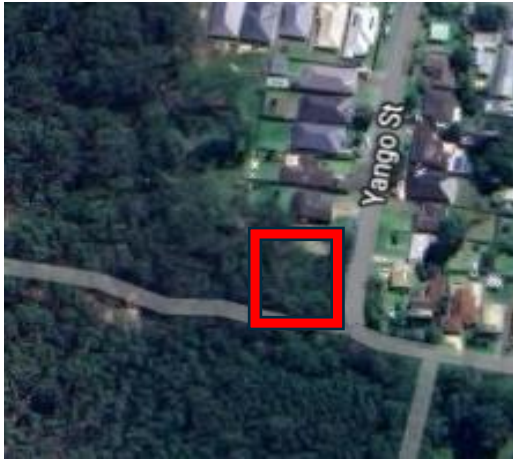
8. 16 Skye St Morisset	<ul style="list-style-type: none"> <li>Classified Community Land</li> <li>Zoned R3 Medium Density Residential</li> <li>Height of buildings 10m</li> <li>Minimum lot size 900sqm</li> </ul>	<ul style="list-style-type: none"> <li>Reclassify Operational Land</li> <li>No zone change</li> <li>No height change</li> <li>No change in minimum lot size</li> </ul>
9. 38 Alison St Redhead	<ul style="list-style-type: none"> <li>Classified Community Land</li> <li>Zoned RE1 Public Recreation</li> <li>Height of buildings 8.5m</li> <li>No minimum lot size</li> </ul>	<ul style="list-style-type: none"> <li>Reclassify Operational Land</li> <li>Rezone to R2 Low Density Residential</li> <li>No height change</li> <li>Change minimum lot size to 450sqm</li> </ul>
10. Ruttleys Rd Wyee	<ul style="list-style-type: none"> <li>Classified Operational Land</li> <li>Split zone C2 Environmental Conservation and RU6 Transition</li> <li>Height of buildings also split 5.5m and 8.5m</li> <li>Minimum lot size split 40ha and 200 ha</li> </ul>	<ul style="list-style-type: none"> <li>No change</li> <li>RU6 Transition Zone to change to C4 Environmental Living</li> <li>No change in height</li> <li>Change 200ha minimum lot size to 2ha</li> </ul>

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.





## 1.4 Site description and surrounding area



**Table 3 Site Description**

Site	Description	Aerial
1. 60-62 Main Rd, Boolaroo	<p>This site is part of a small neighbourhood centre and is used for a cinema, disability aid and small areas of open space.</p> <p>It is surrounded by urban development.</p>	
2. 27C First St, south of Ada St	<p>This long narrow strip of land, 4m x 180m, runs along the western side of First St south of the intersection with Ada St. It was created in 1888 and land locks the lots to its west. It is surrounded by a residential area.</p>	

Site	Description	Aerial
3. 27 First St, north of Ada St	<p>This land is two narrow adjoining strips of land which separate First and Francis Streets. It is surrounded by a residential area.</p>	
4. 21 Narara Rd, Cooranbong	<p>The land is 2,270sqm of degraded bushland adjoined by residential development to the north and east. To the west and south are extensive areas of native bushland.</p> <p>The paper subdivision, including 21 Narara Road, was zoned 2(a) Residential under Lake Macquarie Local Environmental Plan 1984.</p> <p>The site alone was rezoned to 6(a) Open Space (Public Recreation) by Amendment No. 6 in 1986, with the remainder of the subdivision continuing as residential zoned land. The site has retained similar zoning (currently RE1 Public Recreation under <i>Lake Macquarie Local Environmental Plan 2014</i>) under subsequent plans.</p>	



Site	Description	Aerial
5. 48 Oakdale Rd, Gateshead	<p>This parcel of land contains Council's business growth centre which leases industrial units for developing small businesses. It includes a range of buildings for administration, training rooms, office spaces and amenities as well as car parking facilities.</p> <p>There are natural areas to the west, south and east and light industrial uses to the north.</p>	
6. 4a Clare St, Glendale	<p>This is a mown grassed battle axe block of 1,290sqm surrounded by residential development. The access handle is only 4m wide and appears as part of the adjoining residential yard.</p>	
7. 62A Graham St, Glendale	<p>This triangular parcel of land has an area of 840sqm and is fenced in by nine adjoining owners with a narrow 4m wide access handle to the street. The surrounding area is residential development and the site is a mown grass understorey of several large trees.</p>	
8. 16 Skye St Morisset	<p>This is a single residential lot and provided with access from a recently approved subdivision. It adjoins residential development to the south but is generally surrounded by natural bushland including a riparian corridor and threatened ecological communities.</p>	

Site	Description	Aerial
9. 38 Alison St Redhead	The site is close to Red Head Beach and across the road from Webb Park and a bushland reserve to the west. To the north and east adjoining is residential development.	
10. Ruttleys Rd Wyee	This land was used in the past for septic tank effluent disposal and is greatly disturbed with heavy weed infestation. It fronts Ruttleys Road. There are some important vegetation communities outside the disturbed areas. A transmission line easement crosses the southern part of the site. It is surrounded by natural areas and rural uses.	



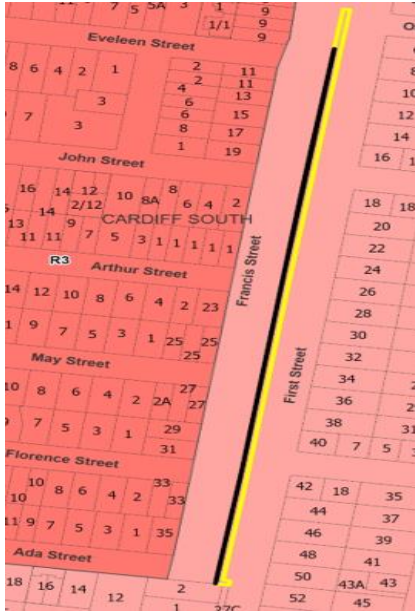
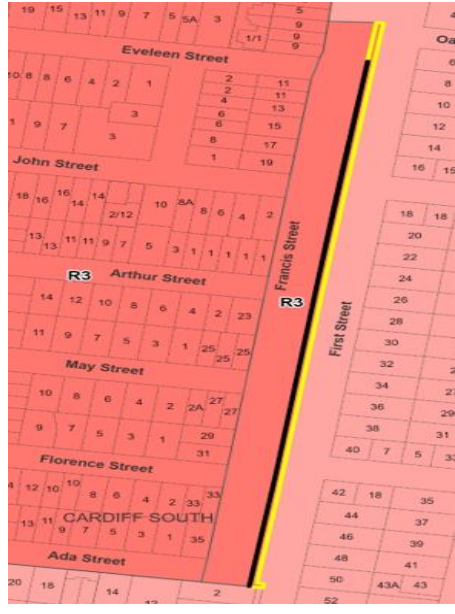


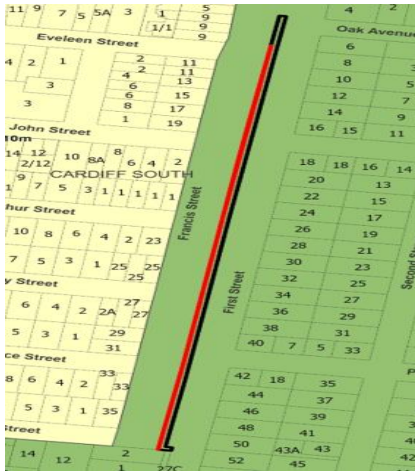
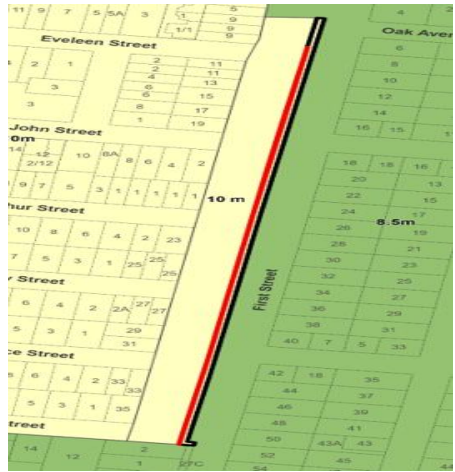



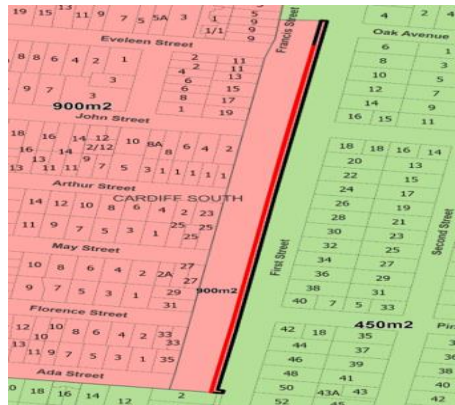
## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zoning, Lot Size and Height of Buildings maps, which are suitable for community consultation. The maps to be amended are shown below in Table 3.

**Table 4 Map changes**

Site	Current	Proposed
1. 60-62 Main Rd, Boolaroo		No changes
2. 27C First St south of Ada St		No changes



Site	Current	Proposed
3. 27 First St north of Ada St  Land Zoning  R2 Low Density Residential  R3 Medium Density Residential		
Maximum Building Height (m)  8.5  10		
Lot Size  450 sq m  900 sq m		

Site	Current	Proposed
<p>4. 21 Narara Rd Cooranbong</p> <p>Land Zoning</p> <ul style="list-style-type: none"> <li>C2 Environmental Conservation</li> <li>C3 Environmental Management</li> <li>R2 Low Density Residential</li> <li>RE1 Public Recreation</li> </ul>		
<p>Lot Size</p> <ul style="list-style-type: none"> <li>450 sq m</li> <li>40 ha</li> </ul>		
<p>5. 48 Oakdale Rd Gateshead</p>		No changes
<p>6. 4a Clare St Glendale</p> <p>Land Zoning</p> <ul style="list-style-type: none"> <li>B4 Mixed Use</li> <li>R3 Medium Density Residential</li> <li>RE1 Public Recreation</li> </ul>		
<p>Maximum Building Height (m)</p> <ul style="list-style-type: none"> <li>8.5</li> <li>10</li> <li>13</li> </ul>		

Site	Current	Proposed
<p><b>Lot Size</b></p> <p>900 sq m</p>		
<p><b>7. 62A Graham St Glendale</b></p> <p><b>Land Zoning</b></p> <p>R2 Low Density Residential</p> <p>RE1 Public Recreation</p>		
<p><b>Lot Size</b></p> <p>450 sq m</p>		
<p><b>8. 16 Skye St Morisset</b></p>		No changes
<p><b>9 38 Alison St, Redhead</b></p> <p><b>Land Zoning</b></p> <p>C2 Environmental Conservation</p> <p>R2 Low Density Residential</p> <p>RE1 Public Recreation</p>		
<p><b>Lot Size</b></p> <p>450 sq m</p> <p>40 ha</p>		

Site	Current	Proposed
<p>10 Ruttleys Rd, Wyee</p> <p><b>Land Zoning</b></p> <ul style="list-style-type: none"> <li>C2 Environmental Conservation</li> <li>RU2 Rural Landscape</li> <li>SP1 Special Activities</li> <li>SP2 Infrastructure</li> <li>W1 Natural Waterways</li> <li>C4 Environmental Living</li> <li>RU6 Transition</li> </ul>		
<p><b>Lot Size</b></p> <ul style="list-style-type: none"> <li>20 ha</li> <li>40 ha</li> <li>200 ha</li> <li>2 ha</li> </ul>		

## 2 Need for the planning proposal

The planning proposal has arisen from routine administrative by Council that identified lands not appropriately classified or zoned for current or intended future use.


Nine sites are to be reclassified from community land to operational land to ensure the current and intended uses can be legally carried out. Zones and minimum lot size and maximum height of buildings standards have also been amended in some cases to support intended land uses.

These changes are required and can only be implemented through a planning proposal.



Table 5 Reasons for changes

Site	Need for proposed changes
1. 60-62 Main Rd, Boolaroo	<ul style="list-style-type: none"> <li>At the commencement of the <i>Local Government Act 1993</i> (LG Act) action was taken to reclassify this land to operational land, however, typographical errors in advertising the process has resulted in uncertainty about its classification.</li> <li>The land is zoned B1 Neighbourhood Centre and is used in part for community open space and has leases of existing buildings for a cinema and a disability aid and services provider.</li> <li>The proposed reclassification to operational land will provide legal certainty for these ongoing leases.</li> </ul>
2. 27C First St, south of Ada St, Cardiff South	<ul style="list-style-type: none"> <li>This narrow strip of land created in 1888 landlocks adjoining residential lots and was classified community land at the commencement of the LG Act by default.</li> <li>Reclassifying the land to operational land will enable it to be dedicated as a road ensuring legal access to adjoining houses.</li> </ul>
3. 27 First St and 27C First St north of Ada St, Cardiff South	<ul style="list-style-type: none"> <li>These two long narrow strips divide Francis and First Streets preventing east west vehicular movements and resulting in duplicated streets parallel.</li> <li>Reclassification to operational land will enable removal of much of Francis Street and rezoning this land for residential purposes will enable its development consistent with adjoining uses.</li> </ul>

Site	Need for proposed changes
4. 21 Narara Rd, Cooranbong	<ul style="list-style-type: none"> <li>• These lands were transferred to Council from the Commonwealth Government to be held in perpetuity for benefit of the people as a reserve for the preservation and study of wildlife substantially in its natural state.</li> <li>• It is proposed to reclassify this land to operational land and develop it together with adjoining land for residential purposes. This would enable the development of 13 residential lots in this location.</li> <li>• A land swap with land owned by Council to the west at number 33 Narara Rd (see below) adjoining other community land would provide a larger area of natural land in better condition which is more sustainable. This land is currently zoned R2 Low Density Residential and will be rezoned to an appropriate zone following the land swap to ensure its on-going protection as a natural area for the benefit of the community.</li> <li>• Council advises No.33 Narara Road will be reclassified and rezoned after the land swap because residentially zoned allotments carries more biodiversity offset credits.</li> <li>• public exhibition and public meeting will obtain community views about whether it should be retained as community lands given its background and being transferred by the Commonwealth.</li> </ul> <div data-bbox="406 925 1428 1529">  </div>
5. 48 Oakdale Rd, Gateshead	<ul style="list-style-type: none"> <li>• Council currently uses this land for its business growth centre to help incubate and develop up and coming small businesses, however, it remains classified community land not allowing Council to do business on the site.</li> <li>• To continue these valuable operations and use infrastructure developed on the site the land needs to be included in a plan of management or reclassified to operational land. Council is pursuing the latter option.</li> </ul>
6. 4a Clare St, Glendale	<ul style="list-style-type: none"> <li>• This small area of land is located behind existing houses with a narrow 4m wide access handle which in appearance is part of the yards of adjoining houses.</li> <li>• Its isolation and small size make it unsuitable for open space use. To be offered for sale to adjoining owners it needs to be reclassified operational land and rezoned for residential use.</li> </ul>



Site	Need for proposed changes
7. 62A Graham, St Glendale	<ul style="list-style-type: none"> <li>This small area of open space has a long narrow 4m wide access and is surrounded by nine residential lots and not suitable for open space.</li> <li>To be offered for sale and potential redevelopment it requires rezoning to the adjoining residential zone and reclassified as operational land.</li> </ul>
8. 16 Skye St, Morisset	<ul style="list-style-type: none"> <li>This land adjoins two other Council lots which have only recently been provided with services and access after approval of an adjoining residential subdivision.</li> <li>The land was inadvertently not classified as operational land at the commencement of the LG Act when the adjoining two lots were reclassified.</li> <li>While the lot has some environmental constraints, it could be developed together with the adjoin two lots and provide more flexible development footprints and asset protection zones for bushfire protection.</li> <li>Reclassification of this land, already zoned R3 Medium Density Residential, will aid development of the three lots owned by Council.</li> </ul>
9. 38 Alison St, Redhead	<ul style="list-style-type: none"> <li>This parcel of land has been identified as part of a residential subdivision since 1894. Its isolation from large areas of open space and environmental conservation land by roads makes its use as open space impractical and unnecessary.</li> <li>Reclassification to Operational Land and rezoning from RE1 Public Recreation to R2 Low Density Residential will enable its sale and development.</li> </ul>
10. Ruttleys Rd, Wyee	<ul style="list-style-type: none"> <li>This land has been used for septic tank effluent disposal which ended in the mid 1990s.</li> <li>Former ponding areas and absorption beds located on land zoned RU6 Transition are significantly disturbed and weed infested.</li> <li>Rezoning the RU6 land to C4 Environmental Living will enable some sensitive development, remediation and on-going management of this land.</li> </ul>

## 3 Strategic assessment

### 3.1 Hunter Regional Plan 2036

The following table provides an assessment of the planning proposal against relevant aspects of the *Hunter Regional Plan 2036*. The planning proposal is consistent with the regional plan.

**Table 6 Regional Plan assessment**

Regional Plan Objectives	Justification
20.3 Enhance the amenity and attractiveness of existing places	Item 1 - 60-62 Main Road, Boolaroo achieves this by ensuring the on-going and historic community uses of this location.

21.1 Promote development that respects the landscape attributes and the character of the metropolitan areas, towns and villages	Item 10 - 20 Rutleys Road, Wyee achieves this by enabling remediation of land and sensitive redevelopment of degraded areas adjoining conservation lands.
21.2 Focus development to create compact settlements in locations with established services and infrastructure such as Newcastle–Lake Macquarie Western Corridor growth area	<p>Items:</p> <p>3 - 27 First St and 27C First St north of Ada St, Cardiff South – closing and developing duplicated road for housing.</p> <p>7 – 62A Graham St, Glendale –rezones an unused small area of open space for infill residential development.</p> <p>8 – 16 Skye St, Morisset – enables development of residentially zoned land within an existing residential subdivision.</p> <p>10 – 20 Rutleys Rd, Wyee – enables development of degraded land with services.</p>
21.6 Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfield locations	Item 10 – 20 Rutleys Rd Wyee – enables development and management of degraded and conservation lands for large lot housing.
21.7 Promote new housing opportunities in urban areas to maximise the use of existing infrastructure	<p>Items:</p> <p>3 - 27 First St and 27C first St north of Ada St, Cardiff South – closing and developing duplicated road for housing.</p> <p>6 - 4a Clare St Glendale - rezones an enclosed unused small area of open space for infill residential development.</p> <p>7 – 62A Graham St Glendale –rezones an enclosed unused small area of open space for infill residential development.</p> <p>8 – 16 Skye St Morisset – enables development of residentially zoned land within an existing residential subdivision.</p> <p>9 – 38 Alison St Redhead – rezones a small area of open space to enable development of one lot within an existing residential subdivision.</p> <p>10 – 20 Rutleys Rd Wyee – enables development of degraded land with services for large lot residential development.</p>
23.5 Focus commercial and retail development within existing centres and transport hubs	Item 1 - 60-62 Main Road, Boolaroo achieves this by ensuring the on-going community uses of this location to consolidate the centre.

26.1 Align land use and infrastructure planning to maximise the use and capacity of existing infrastructure and the efficiency of new infrastructure	<p>Items:</p> <p>1 - 60-62 Main Road, Boolaroo achieves this by ensuring focal community uses remain in the local centre.</p> <p>2 – 27 First St, Cardiff South – adding to road reserve to ensure residential access.</p> <p>3 - 27 First St and 27C First St north of Ada St, Cardiff South – closing and developing duplicated road for housing.</p> <p>6 - 4a Clare St, Glendale - rezones an enclosed unused small area of open space for infill residential development.</p> <p>7 – 62A Graham St, Glendale –rezones an enclosed unused small area of open space for infill residential development.</p> <p>8 – 16 Skye St, Morisset – enables development of residentially zoned land within an existing residential subdivision.</p> <p>9 – 38 Alison St, Redhead – rezones a small area of open space to enable development of one lot within an existing residential subdivision.</p>
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## 3.2 Draft Hunter Regional Plan 2041

The draft regional plan recognises that in order to achieve the many public interest intentions of the draft plan, new developments will have to be different. There needs to be greater diversity of housing to improve affordability.

The following items all put housing close to and within walking distance of services and/or jobs:

- Item 3 - 27 First St, Cardiff South;
- Item 6 - 4a Clare St, Glendale;
- Item 7 – 62A Graham St, Glendale;
- Item 8 – 16 Skye St, Morisset; and
- Item 9 – 38 Alison St, Redhead.

Item 9 could have been an opportunity to consider a more appropriate optimal density to provide for a wider diversity of housing typologies in the local area. This may be a missed opportunity for this context.

Strategy 5.2 in the draft plan states that new development in urban areas should be within a 15 minute walk or open space, with new suburban development within a 15 minute bike ride. The proposed amendments to permit residential development on items 6, 7 and 9 are easily within a 15 minute walk to nearby public open space.

### 3.3 Greater Newcastle Metropolitan Plan 2036

The planning proposal is consistent with the *Greater Newcastle Metropolitan Plan 2036* as demonstrated below.

**Table 7 Greater Newcastle Metropolitan Plan 2036 assessment**

Strategies	Justification
9 Plan for jobs closer to home	Item 5 – 48 Oakdale Rd, Gateshead – Ensure the Council's business growth centre continues to operate.
14 Improve resilience to natural hazards	Item 8 – 16 Skye Street, Morisset - enables development in accordance with <i>Planning for Bushfire Protection 2019</i> by enabling creation of appropriate asset protection zones for new houses.

### 3.4 Imagine Lake Mac Strategy

The planning proposal states it is consistent with the Local Strategic Planning Statement following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 8 Local strategic planning statement assessment**

Local Strategies	Justification
A city to call home - The City will provide opportunities for substantial growth in new housing, including a greater mix of housing types to accommodate our growing population.	<p>The following items address this strategy by providing a variety of new housing:</p> <p>3 - 27 First St and 27C First St north of Ada St, Cardiff South – closing and developing duplicated road for housing.</p> <p>4 – 21 Narara Rd, Cooranbong – swapping isolated degraded open space for better open space and environmental outcomes and enabling development of 13 residential lots within an urban area.</p> <p>6 - 4a Clare St, Glendale - rezones an enclosed unused small area of open space for infill residential development.</p> <p>7 – 62A Graham St, Glendale –rezones an enclosed unused small area of open space for infill residential development.</p> <p>8 – 16 Skye St, Morisset – enables development of residentially zoned land within an existing residential subdivision.</p> <p>9 – 38 Alison St, Redhead – rezones a small area of open space to enable development of a lot within an existing residential subdivision.</p> <p>10 – 20 Ruttleys Rd, Wyee – enables development of degraded land for large lot residential.</p>

## 3.5 Section 9.1 Ministerial directions

The planning proposal's consistency with relevant section 9.1 directions is discussed below:

**Table 9 9.1 Ministerial direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	The planning proposal is consistent with the <i>Hunter Regional Plan 2036</i> , draft Hunter Regional Plan 2041 and the <i>Greater Newcastle Metropolitan Plan 2036</i> .
3.1 Conservation Zones	Yes	Item 10 – 20 Ruttleys Rd, Wyee includes land zoned C2 Environmental Conservation. This will not change and other land on the site will be rezoned from RU6 Transition to C4 Environmental Living strengthening the environmental controls and outcomes.
4.2 Coastal Management	Yes	<p>The following items are within or adjoin areas within the SEPP identified as:</p> <ul style="list-style-type: none"> <li>• Coastal wetland buffer – item 5</li> <li>• Coastal environment area – items 6 &amp; 10</li> <li>• Coastal use area – items 6 &amp; 9</li> <li>• Coastal hazard line – item 9</li> </ul> <p>Item 5 – 48 Oakdale Rd, Gateshead - affects a coastal wetland buffer and would be considered of minor significance as no changes in land use are proposed.</p> <p>Item 6 – 4a Clare St, Glendale – rezoning is in accordance with the surrounding residential zone.</p> <p>Item 9 – 38 Alison St, Redhead – rezoning is in accordance with the surrounding residential zone. The coastal hazard line touches but does not enter the property.</p> <p>Item 10 – 20 Ruttleys Rd, Wyee – part of the property is affected by the coastal environment area. Development can be managed to avoid any implications in relation to coastal hazards.</p> <p>Any development in these areas is subject to the provisions of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> and <i>Lake Macquarie Local Environmental Plan 2014</i> clause 7.4 coastal risk planning which would consider any coastal impacts of development.</p> <p>Any inconsistency of the planning proposal with the direction can be considered of minor significance.</p>

4.3 Planning for Bushfire Protection	No	<p>The following items include residential development and have been identified as bushfire prone land and will require consultation with NSW Rural Fire Service:</p> <p>4 – 21 Narara Rd, Cooranbong</p> <p>6 - 4a Clare St, Glendale</p> <p>7 – 62A Graham St, Glendale</p> <p>8 – 16 Skye St, Morisset</p> <p>9 – 38 Alison St, Redhead</p> <p>10 – 20 Ruttleys Rd, Wyee</p> <p>Consistency with the direction will be considered after consultation with NSW Rural Fire Service.</p>
4.4 Remediation of Contaminated Land	Yes	<p>The following items have been identified within an investigation area or containing development or near development that may have contaminated the land.</p> <p>Item 1 – 60-62 Main Rd, Boolaroo – Identified within the 'Pasminco Grid' for contaminated lands (heavy metals from lead and zinc processing). No change of zone or land use is proposed so considered consistent.</p> <p>6 - 4a Clare St, Glendale – this site is uphill from an existing service station that has regular checks for contamination. It can be considered consistent with the direction.</p> <p>10 – 20 Ruttleys Rd, Wyee – former night soil site. A remediation report has been prepared and is considered suitable for rural-residential development if the site is remediated in accordance with the report. This process is consistent with the direction.</p>

4.5 Acid Sulfate Soils	Any inconsistency can be considered to be of minor significance.	<p>The following items are mapped as land containing acid sulfate soils Class 5:</p> <p>1 – 60-62 Main Rd, Boolaroo – reclassification only with no proposed change of use;</p> <p>4 – 21 Narara Rd, Cooranbong – rezoning from public recreation to residential;</p> <p>6 - 4a Clare St, Glendale - rezoning from public recreation to residential; and</p> <p>9 – 38 Alison St, Redhead - rezoning from public recreation to residential.</p> <p>These areas are within existing residential areas and development following rezoning will be subject to the acid sulfate soil provisions of <i>Lake Macquarie Local Environmental Plan 2014</i>.</p> <p>10 – 20 Ruttleys Rd, Wyee – Only the northern part of the property is mapped as Class 4 acid sulfate soils and will not be affected and retain its C2 Environmental Conservation zoning.</p> <p>Any inconsistency of the planning proposal with the direction can be considered to be of minor significance.</p>
4.6 Mine Subsidence and Unstable land	No	<p>The following items are identified on the Lake Macquarie Subsidence Advisory Map or the West Lake Subsidence Advisory Map:</p> <p>2 - Part of 27C First Street, Cardiff South;</p> <p>3 - 27 First Street and Part of 27C first St north of Ada St, Cardiff South;</p> <p>5 - 48 Oakdale Road, Gateshead;</p> <p>6 - 4a Clare Street, Glendale;</p> <p>7 - 62A Graham Street, Glendale;</p> <p>8 - 16 Skye Street, Morisset;</p> <p>9 - 38 Alison Street, Redhead; and</p> <p>10 - 20 Ruttleys Road, Wyee.</p> <p>The proposal will accordingly be referred to Subsidence Advisory NSW for comment. Consistency with the direction will be considered after consultation with Subsidence Advisory NSW.</p>

### 5.1 Integrating Land Use and Transport

Any inconsistency can be considered to be of minor significance.

This direction applies to the following sites where a rezoning is proposed to allow more intensive residential development:

3 - 27 First Street, Cardiff South;

4 – 21 Narara Road, Cooranbong;

6 - 4a Clare Street, Glendale;

7 - 62A Graham Street, Glendale; and

9 - 38 Alison Street, Redhead.

The changes are minor and represent infill development and any transport impact will only be of minor significance.



5.2 Reserving Land for Public Purposes	No	<p>The following items represent rezoning of RE1 Public Recreation to a residential zone and therefore the direction applies due to a 'reduction in zonings or reservations of land for public purposes':</p> <p>4 – 21 Narara Road, Cooranbong – Given the challenges with managing access to the land, and its limited size and environmental condition, it is not considered appropriate nor beneficial for the site to be zoned for environmental conservation purposes. This would continue to have significant management cost to Council without providing significant environmental benefit. As there is the opportunity to reclassify Council land Lot 1-5 Sec N DP 724 to ensure an no net loss of community land and provide greater sized continual holding of community land, it is preferred for the site to have a zoning consistent with adjoining land to enable Council to manage bushfire threats to existing residences, edge effects to community/natural vegetation areas and facilitate road and stormwater infrastructure improvements.</p> <p>6 - 4a Clare Street, Glendale – a small area of open space unused by the broader community and surrounded by residential lots and with poor access;</p> <p>7 - 62A Graham Street, Glendale - a small area of open space unused by the broader community and surrounded by residential lots and with poor access; and</p> <p>9 - 38 Alison Street, Redhead – a single lot being the final part of an old subdivision surrounded by other open space.</p> <p>The Council has not addressed this direction as applying to the planning proposal and should do so prior to public exhibition.</p> <p>The changes appear to be of minor significance and in one instance result in a gain in area and sustainability of public land. However, approval of the Secretary should be made after Council's assessment and public meeting concerning the reclassification of the land.</p>
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6.1 Residential Zones	Yes	<p>The following items are either within residential zones or are to be rezoned for residential purposes:</p> <p>2 - Part of 27C First Street, Cardiff South – within an R2 Low Density Residential zone;</p> <p>3 - 27 First Street and Part 27C First St north of Ada St, Cardiff South - within an R2 Low Density Residential zone to be rezoned to R3 Medium Density Residential;</p> <p>4 – 21 Narara Rd, Cooranbong – zoned RE1 Public Recreation to be zoned R2 Low Density Residential;</p> <p>6 - 4a Clare Street, Glendale - zoned RE1 Public Recreation to be zoned R3 Medium Density Residential;</p> <p>7 - 62A Graham Street, Glendale - zoned RE1 Public Recreation to be zoned R2 Low Density Residential;</p> <p>8 - 16 Skye Street, Morisset – zoned R3 Medium Density Residential; and</p> <p>9 - 38 Alison Street, Redhead - zoned RE1 Public Recreation to be zoned R2 Low Density Residential.</p> <p>All of these sites lie within existing residential areas and can be considered infill development and adequately serviced.</p> <p>The planning proposal can be considered consistent with the direction.</p>
7.1 Business and Industrial Zones	Yes	<p>The below two items are within business or industrial zones:</p> <p>1 - 60-62 Main Rd, Boolaroo – Zoned B1 Neighbourhood Centre. Reclassification only with no proposed change of use; and</p> <p>5 - 48 Oakdale Road, Gateshead – Zoned IN2 Light Industrial. Reclassification only with no proposed change of use.</p> <p>The planning proposal is consistent with the direction.</p>
9.1 Rural Zones	Justified	<p>Item 10 – Ruttleys Rd, Wyee is within an RU6 Transition zone. Preliminary studies indicate this land is suitable for C4 Environmental Living which will still protect the site's environmental attributes.</p> <p>Any inconsistency is justified or can be considered of minor significance.</p>

### 3.6 State environmental planning policies (SEPPs)

With exception of SEPP (Biodiversity Conservation) 2021, the planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 10 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Biodiversity Conservation 2021	6.9 When preparing LEPs Councils shall have regard to the aims and give priority to retaining bushland.	No	<p>Chapter 6 of the SEPP applies to Lake Macquarie City Council by being listed in Schedule 5.</p> <p>Council has not provided justification for loss of RE1 Public Recreation land and the ultimate potential for loss of vegetation. This affects items 4, 6, 7 and 9 where RE1 Public Recreation zone is being rezoned for residential purposes.</p> <p>This is particularly relevant to item 4 Narara Rd, Coorانبong which was transferred to Council from the Federal Government as a reserve for the preservation and study of wildlife and retained substantially in its natural state as a retreat for meditation and contemplation.</p> <p>Despite regular maintenance by Council since its ownership in 2007/2008, the land has been subject to under-scrubbing, vegetation removal and illegal dumping at different times. Controlling access to the site is challenging, given it adjoins private residential land, designation as public open space and the dedication terms/intent.</p> <p>Council must justify the rezoning and reclassification of these areas to be consistent with clause 6.9 of the SEPP.</p>
Housing 2021	Principle 3d promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services	Yes	Provides for infill housing in areas where there is infrastructure and services.

Resilience and Hazards 2021	<p>The following items are within or adjoin areas within the SEPP identified as:</p> <ul style="list-style-type: none"> <li>• Coastal wetland buffer – item 5</li> <li>• Coastal environment area – item 10</li> <li>• Coastal use area – items 6 &amp; 9</li> <li>• Coastal hazard line – item 9</li> </ul>	Yes	The SEPP contains provisions requiring consent for certain development and matters for consideration within these areas.
Resources and Energy 2021	The SEPP aims to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources	Yes	The planning proposal will not adversely impact the potential access to resources.

## 4 Site-specific assessment

### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 11 Environmental impact assessment**

Item	Potential Environmental Impact and Assessment
Item 1 – 60-62 Main Rd, Boolaroo	This is a reclassification only and no changes in land use will occur.
Item 2 – Part of 27C South St, Cardiff South	This is a reclassification only of an existing road reserve with no other changes in land use.
Item 3 – 27 First St and Part 27C First St north of Ada St, Cardiff South	Reclassification of an existing road reserve with concurrent rezoning from R2 Low Density Residential to R3 Medium Density Residential and increased height of buildings will increase development potential. As the land is an existing road any redevelopment will have a minimal environmental impact.
Item 4 – 21 Narara Rd, Cooranbong	This land is zoned RE1 Public Recreation and is a reserve for the preservation and study of wildlife. It has become degraded over time. It is proposed to be rezoned R2 Low Density Residential and an alternate site protected as community land which has a larger area and adjoins additional land identified for community purposes. This will provide a larger area where environmental outcomes will be more sustainable. The overall environmental outcome will be enhanced.

Item 5 – 48 Oakdale Rd, Gateshead	This is a reclassification only and no changes in land use will occur.
Item 6 – 4a Clare St, Glendale	This land is to be rezoned from RE1 Public Recreation to R3 Medium Density Residential. The site is an isolated small mown area surrounded by housing. Any environmental impacts will be minimal.
Item 7 – 62A Graham St, Glendale	This land is to be rezoned from RE1 Public Recreation to R2 Low Density Residential. The site is a small isolated mown area containing several large trees surrounded by housing. Any development would need to address the remaining trees, however, due to its isolation any environmental impacts will be minimal.
Item 8 – 16 Skye St, Morisset	This is a reclassification only and no uses will change for the site. The land is already zoned R3 Medium Density Residential and while it is currently vegetated there will be no additional environmental issues or impacts as a result of the reclassification. The site contains identified threatened ecological communities being Swamp Mahogany – Paperbark on Coastal Plains. Development of this land will provide benefits for the adjoining two lots to the east. Development of the three lots together will enable better management of environmental assets and provision of bushfire asset protection zones.
Item 9 – 38 Alison St, Redhead	Rezoning from RE1 Public Recreation to R2 Low Density Residential will allow development of one house lot. However, the block is isolated from other surrounding open space and environmental lands by roads and environmental impacts will be minimal.
Item 10 – Ruttleys Rd, Wyee -	This is an old septic tank effluent disposal area degraded and with significant weed infestation. Rezoning from RU6 Transition to C4 Environmental Living will provide opportunities to remediate the land and provide on-going management for the environment. Areas with significant native vegetation communities will retain their C2 Environment Protection zoning. This is expected to have an improved environmental outcome.

## 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 12 Social and economic impact assessment**

Item	Social and Economic Impact and Assessment
Item 1 – 60-62 Main Rd, Boolaroo	This is a reclassification will enable ongoing community and social uses on the site.
Item 2 – Part of 27C South St, Cardiff South	This is a reclassification only of an existing road reserve will provide legal access to existing housing removing uncertainty.

Item 3 – 27 First St and Part 27C First St north of Ada St, Cardiff South	Reclassification of an existing road reserve with concurrent rezoning from R2 Low Density Residential to R3 Medium Density Residential will reduce unnecessary duplicated road infrastructure and reduce maintenance costs.
Item 4 – 21 Narara Rd, Cooranbong	<p>Council's advises the land has been subject to significant disturbance and weed proliferation and being 2,270 m2, does not satisfy the minimum area recommended for local parks (5,000m2). It has been identified that the land is not specifically required for recreational purposes for the area.</p> <p>Accordingly, Council is now considering a land swap for other land it owns nearby at 33 Narara Road which is currently operational land (shown orange) and adjoins existing community land (shown yellow). In the future this land will be managed as one large parcel for community purposes and zoned appropriately.</p>
Item 5 – 48 Oakdale Rd, Gateshead	This is a reclassification which will enable Council to continue its use of the site for its business growth centre enhancing economic outcomes for the local government area.
Item 6 – 4a Clare St, Glendale	This land is to be rezoned from RE1 Public Recreation to R3 Medium Density Residential. The land currently is surrounded by housing and small size, access and appearance as being part of local yards and gardens does not encourage broader local use for open space.





Item 7 – 62A Graham St, Glendale	This land is to be rezoned from RE1 Public Recreation to R2 Low Density Residential. The land currently is surrounded by housing and its small size and limited access does not encourage broader local use for open space.
Item 8 – 16 Skye St, Morisset	This is a reclassification only and no uses will change for the site. The land is already zoned R3 Medium Density Residential and its development could provide access and bushfire asset protection zones for adjoining lots.
Item 9 – 38 Alison St, Redhead	Rezoning from RE1 Public Recreation to R2 Low Density Residential will allow development of one housing lot. The lot has significant areas of open space and environmental lands surrounding and will not impact public use of these natural and foreshore lands.
Item 10 – Ruttleys Rd, Wyee	This is an old septic tank effluent disposal area degraded and with significant weed infestation. Rezoning from RU6 Transition to C4 Environmental Living will provide opportunities to remediate land and provide on-going management for the environment. Its redevelopment will enable the lands to be remediated without significant cost to Council.

## 4.3 Special consideration for the reclassification of public land

The planning proposal considers the reclassifications against the requirements of LEP Practice Note: PN 16-001 the key findings of which are:

### 4.3.1 Extinguishment of interests

48 Oakdale Rd, Gateshead – Removal of an expired lease.

4a Clare St, Glendale – Removal of two matters relating to the erection of fences and chemical businesses and removal public reserve status.

62A Graham St, Glendale – Removal of public reserve status.

38 Alison St, Redhead – Removal of public reserve status.

### 4.3.2 Concurrence of the landowner

All the land is owned by Council.

### 4.3.3 How funds from sales will be used

Funds from leases or sale of land not identified for open space will go to the Council's Strategic Property Reserve.

Funds from sale of former open space lands will go the Council's Community Land Reserve.

Item 4 Narara Rd, Cooranbong represents a land swap and therefore no additional funds.

### 4.3.4 The effect of reclassification, discharge of interests and/or removal of reserve status

Lands zoned RE1 Public Recreation

Item 4 Narara Rd, Cooranbong – this will result in a gain of 354sqm of community land connected to a larger parcel for an overall environmental and community benefit.

Item 6 - 4a Clare St, Glendale – will result in a loss of 1,290sqm. However, across from main road is the Bill Bower Oval, including kids playground. This is an extensive facility. In this context it is not clear the public benefit of retaining the site given access limitations and inability to integrate into surrounding developments.

Item 7 - 62A Graham St, Glendale - will result in a loss of 978sqm. The site is not well integrated into the surrounding residential area to operate as a public open space. This is not an insurmountable urban design challenge. However, there may be more effective and efficient ways of providing access to public open space. Noting, it is roughly a nine minute walk (800m) to a nearby playground and public open space.

Item 9 - 38 Alison Rd, Redhead – loss of 1,689sqm. The site adjoins significant areas of beach front reserve and environmental protection areas. It is not clear the public benefit of the retention of the site given the surrounding areas could be enhanced in terms of facilities and active public open space.

#### Other areas

Item 1 – 60-62 Main Rd, Boolaroo – loss of 417sqm of an open space area not zoned RE1 Public Recreation and wedged between buildings which makes it inappropriate for use as open space. However, it will still provide bushland and open space areas within the centre.

Item 2 – Part 27C First St, Cardiff South, north of Ada St – loss of 720sqm used as road verge and only 4m wide. Will have a positive impact for residents adjoining the land to provide certainty of access.

Item 3 – 27 First St and Part 27C First St north of Ada St, Cardiff South - loss of 2067sqm as narrow 4m wide strip between two roads. It provides no effective use as open space and will have no detrimental impact for the community.

## 4.4 Infrastructure

The following items can be considered to be within existing urban areas with adequate infrastructure and services. The potential additional development is unlikely to put any significant strain on that infrastructure.

#### Items:

1. 60-62 Main Road, Boolaroo
3. 27 First Street, Cardiff South & part of 27C First Street, Cardiff South, North of Ada Street
4. 21 Narara Road, Cooranbong
5. 48 Oakdale Road, Gateshead
6. 4a Clare Street, Glendale
7. 62A Graham Street, Glendale
8. 16 Skye Street, Morisset
9. 38 Alison Street, Redhead

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 20 days.

The exhibition period proposed is considered appropriate as the planning proposal is classified as 'standard' in *Local Plan Making Guideline September 2022* Department of Planning and Environment.

A public hearing will be held in accordance with section 29 of the *Local Government Act 1993* and *LEP Practice Note PN 16001* Department of Planning and Environment.



## 5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- Subsidence Advisory NSW; and
- NSW Rural Fire Service

## 6 Timeframe

Council proposes a 14 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended the Gateway determination also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council does not request delegation to be the local plan-making authority.

As many of the sites are Council owned land requiring reclassification the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

## 8 Recommendation

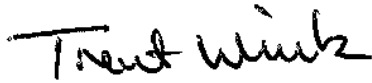
It is recommended the delegate of the Secretary:

- Agree any inconsistencies with section 9.1 Ministerial directions: 1.1 Implementation of Regional Plans; 3.1 Conservation Zones; 4.2 Coastal Management; 4.4 Remediation of Contaminated Land; 4.5 Acid Sulfate Soils; 5.1 Integrating Land Use and Transport; 6.1 Residential Zones; 7.1 Business and Industrial Zones; and 9.1 Rural Zones are minor or justified; and
- Note the consistency with section 9.1 Ministerial directions: 4.3 Planning for Bushfire Protection; 4.6 Mine Subsidence and Unstable Land; and 5.2 Reserving Land for Public Purposes are unresolved and will require justification. Referral to NSW Rural Fire Service and Subsidence Advisory NSW is required for directions 4.3 and 4.6 respectively. In relation to direction 5.2 Council will need to address and justify the reduction in zonings and reservations in land for public purposes and seek the Secretary's approval as required by clause (1) of the direction.

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

1. The planning proposal is to be updated prior to community consultation to:
  - Address section 9.1 Ministerial direction 5.2 Reserving Land for Public Purposes;
  - Address clause 6.9 Chapter 6 of *State Environmental Planning Policy (Biodiversity Conservation) 2021* to address the potential loss of bushland in urban areas;
  - Correct the error first row of the table on page 23 addressing the strategies of the *Greater Newcastle Metropolitan Plan 2036* that apply. Change 'Boolaroo' to 'Gateshead'; and
  - Revise the project timeline to reflect the Gateway determination date and conditions.
2. Consultation is required with the following public authorities:

- NSW Rural Fire Service; and
  - Subsidence Advisory NSW.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
  4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
  5. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



28/11/2022

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(Signature)

\_\_\_\_\_  
(Date)

**Trent Wink**

**A/Manager, Greater Newcastle**



29/11/2022

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**Dan Simpkins**

**Director, Central Coast and Hunter Region**

Assessment officer

Mark Parker

Principal Planning Officer, Central Coast and Hunter Region

9995 5286