



IRF23/732

Gateway determination report – PP-2022-3016

1377 Hue Hue Road, Wyee

August 23

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP-2022-3016

Subtitle: 1377 Hue Hue Road, Wyee

© State of New South Wales through Department of Planning and Environment 2023. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (May 23) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

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.

Contents

1	Planning proposal.....	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	1
1.4	Site description and surrounding area.....	1
1.5	Mapping.....	4
1.6	Background	5
2	Need for the planning proposal	7
3	Strategic assessment	7
3.1	Hunter Regional Plan 2041	7
3.2	Greater Newcastle Metropolitan Plan 2036.....	11
3.3	Lake Macquarie Local Strategic Planning Statement	13
3.4	Section 9.1 Ministerial directions.....	14
3.5	State environmental planning policies (SEPPs)	1
4	Site-specific assessment	1
4.1	Environmental.....	1
4.2	Social and economic.....	1
4.3	Infrastructure	2
5	Consultation.....	2
5.1	Community	2
5.2	Agencies.....	2
6	Timeframe	3
7	Local plan-making authority	3
8	Recommendation.....	3

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal – not dated
Development and Planning Standing Committee Meeting Report – 13 February 2023
Committee Determination – 13 February 2023
Draft DCP 2014 – Revision to Wyee West Precinct Area Plan – not dated
Appendix A - Aboriginal Due Diligence Assessment - 18 August 2021
Appendix B - Traffic Noise and Vibration Assessment – 3 August 2021
Appendix D - Updated Bushfire Threat Assessment – 12 July 2022
Appendix E - Preliminary Site Investigation – 23 November 2021
Appendix F - Probable Maximum Flood Assessment – 18 May 2022
Appendix G - Geotech and Salinity Investigation - 23 November 2021
Appendix H - Social Impact Assessment – 6 July 2022
Appendix I- Traffic Impact Assessment – December 2021
Appendix J - Integrated Water Cycle Management Report – 29 November 2021
Appendix K - Updated Concept Plan – 27 April 2021
Appendix L - Planning Map Amendments
Final Aboriginal Cultural Heritage Assessment - 9 December 2022
Final Archaeological Report - 9 December 2022
Updated Biodiversity & Riparian Assessment - 10 October 2022
Updated Biodiversity Report Cover Letter – 12 July 2022

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Lake Macquarie
PPA	Lake Macquarie City Council
NAME	Rezoning of land for residential purposes at 1377 Hue Hue Road, Wyee (50 homes)
NUMBER	PP-2022-3016
LEP TO BE AMENDED	<i>Lake Macquarie Local Environmental Plan 2014</i>
ADDRESS	1377 Hue Hue Road, Wyee and part of Digary Road, Wyee
DESCRIPTION	Lot 437, DP755242
RECEIVED	20/02/2023
FILE NO.	IRF23/732
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal, which is to facilitate residential development on land adjoining the existing residential area of the Wyee West Precinct.

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* as per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU2 Rural Landscape and C2 Environmental Conservation.	R2 Low Density Residential and C2 Environmental Conservation.
Minimum lot size	20 hectares and 40 hectares.	450m ² and 40 hectares.
Urban Release Area	Not identified.	Applies to the proposed R2 Low Density Residential zoned land
Number of dwellings	1	50
Maximum height of buildings	8.5m and 5.5m	No changes are proposed, however, given there is a minor zone boundary change the HOB map should also be updated to reflect a HOB of 8.5m in R2 Low Density zone and 5.5m in the C2 Environmental Conservation zone .
Number of jobs	N/A	N/A

The explanation of provisions identifies the land is zoned 'rural production'. However, it is zoned RU2 Rural Landscape and Council should update the planning proposal to correct the error.

1.3.1 Height of Buildings

A small part of the of the RU2 Rural Landscape zoned land currently with an 8.5m building height is proposed to be zoned to C2 Environmental Conservation. Council has not proposed a height change in the provisions and this will result in an inconsistent application of building heights in the C2 Environmental Conservation zone which is generally 5.5 metres. Council should update the explanation of provisions in the planning proposal to identify a 5.5 metre maximum building height for the proposed C2 Environmental Conservation zone.

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

1.3.2 Urban Release Area

The site currently adjoins the Wyee West Urban Release Area. The planning proposal seeks to include the part of the site to be rezoned to R2 Low Density Residential to also be included on the Urban Release Area map.

1.4 Site description and surrounding area

The site comprises of a single 4.5 hectare lot (Figure 1) being Lot 437, DP755242 and part of Digary Road, an unformed road which is located on the western boundary of the lot. The site slopes from the north west to the southern boundary with a level change of 14 metres. Currently, a dwelling and rural sheds and structures associated with keeping horses is located on the site.

The site has been used predominantly for cattle grazing and dairy farming since the mid-1800s. The majority of vegetation has been cleared apart from the southern portion of the site which contains a patch of remnant native forest, associated with vegetation surrounding Mannering Creek. The remnant vegetation is commensurate with Swamp Sclerophyll Forest on Coastal Floodplains Endangered Ecological Community (EEC) and also vegetation that is commensurate with River-flat Eucalypt Forest on Coastal Floodplains (EEC).

The site is bounded by Hue Hue Road to the north with adjacent land comprising of semi-rural properties containing scattered patches of remnant bushland. Cleared agricultural land and the M1 Motorway lies to the west (approximately 100 metres), and a residential subdivision identified as the Wyee West Precinct lies to the east (Figure 2). Wyee Village and Wyee train station are located 1.3 kilometres to the west of the site (Figure 3). The boundary of the Central Coast local government area (LGA) is located approximately 600 metres south of the site.



Figure 1 Subject site (source: extract from Lake Macquarie City Council Planning Proposal – PP-2022-3016)



Figure 2 Site context (source: extract from Social Impact Assessment)

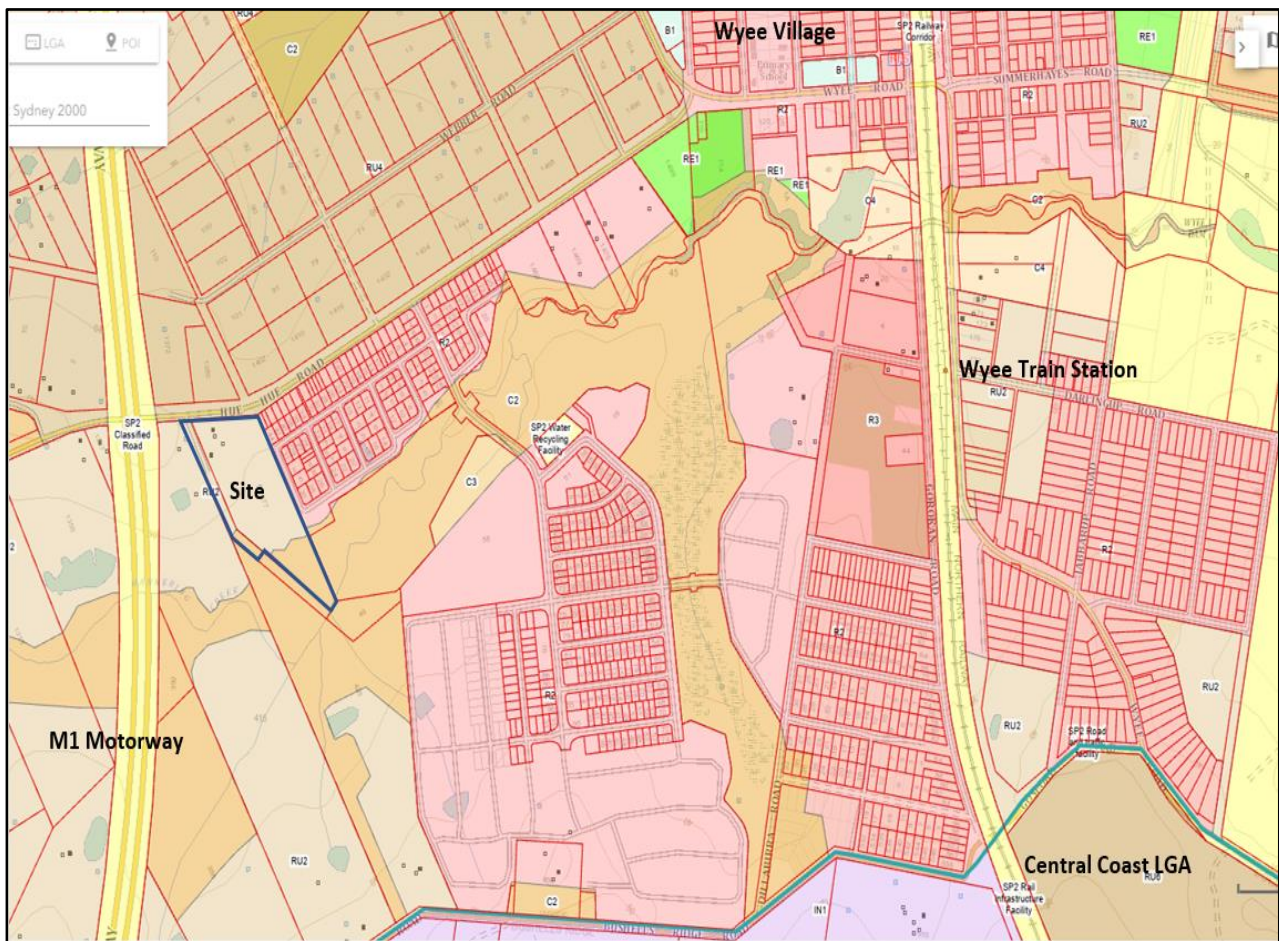


Figure 3 Locality context (source: Planning Portal mapping)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the land zoning, minimum lot size and urban release area maps, which are suitable for community consultation. Council should also include existing and proposed height of buildings maps given different heights will apply to the zones as a result of the zone boundary change.

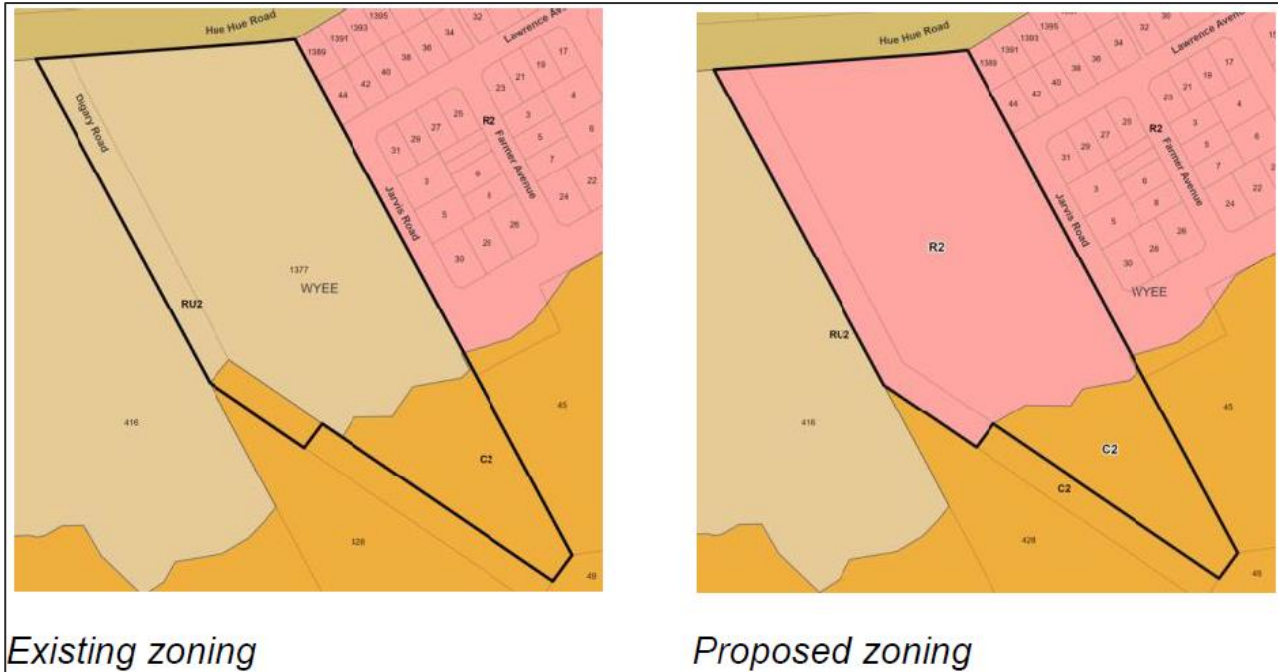


Figure 4 Current and Proposed Land Zoning Map

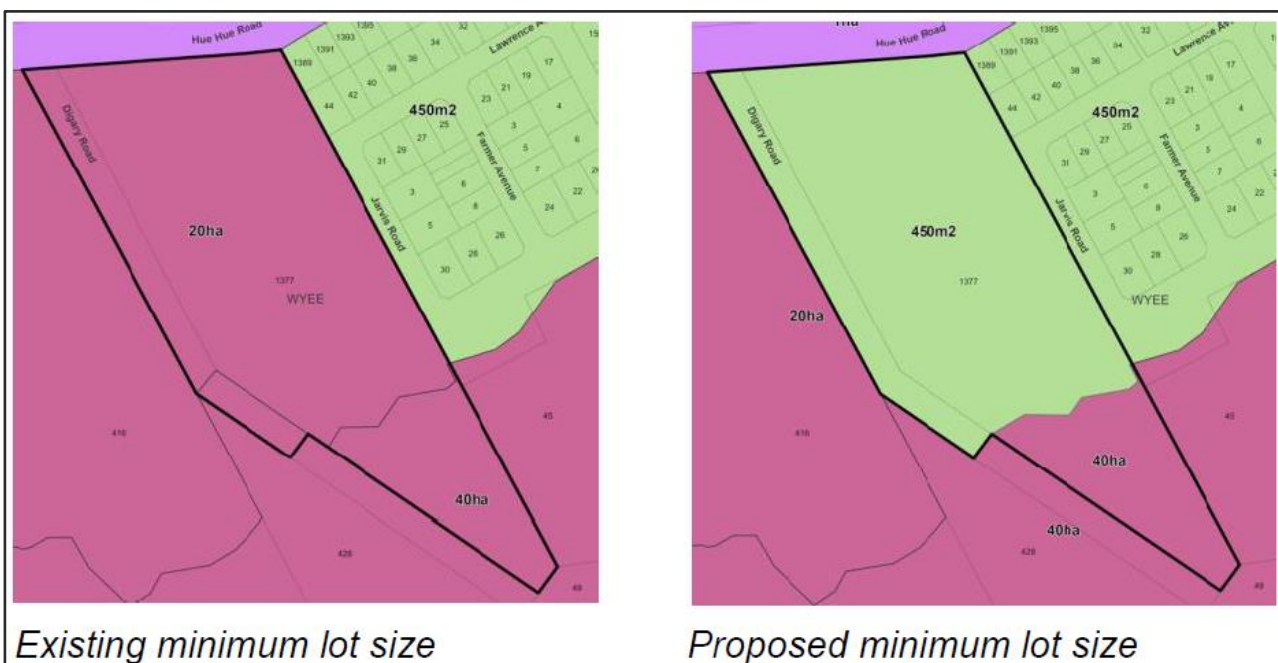


Figure 5 Current and proposed minimum lot size map

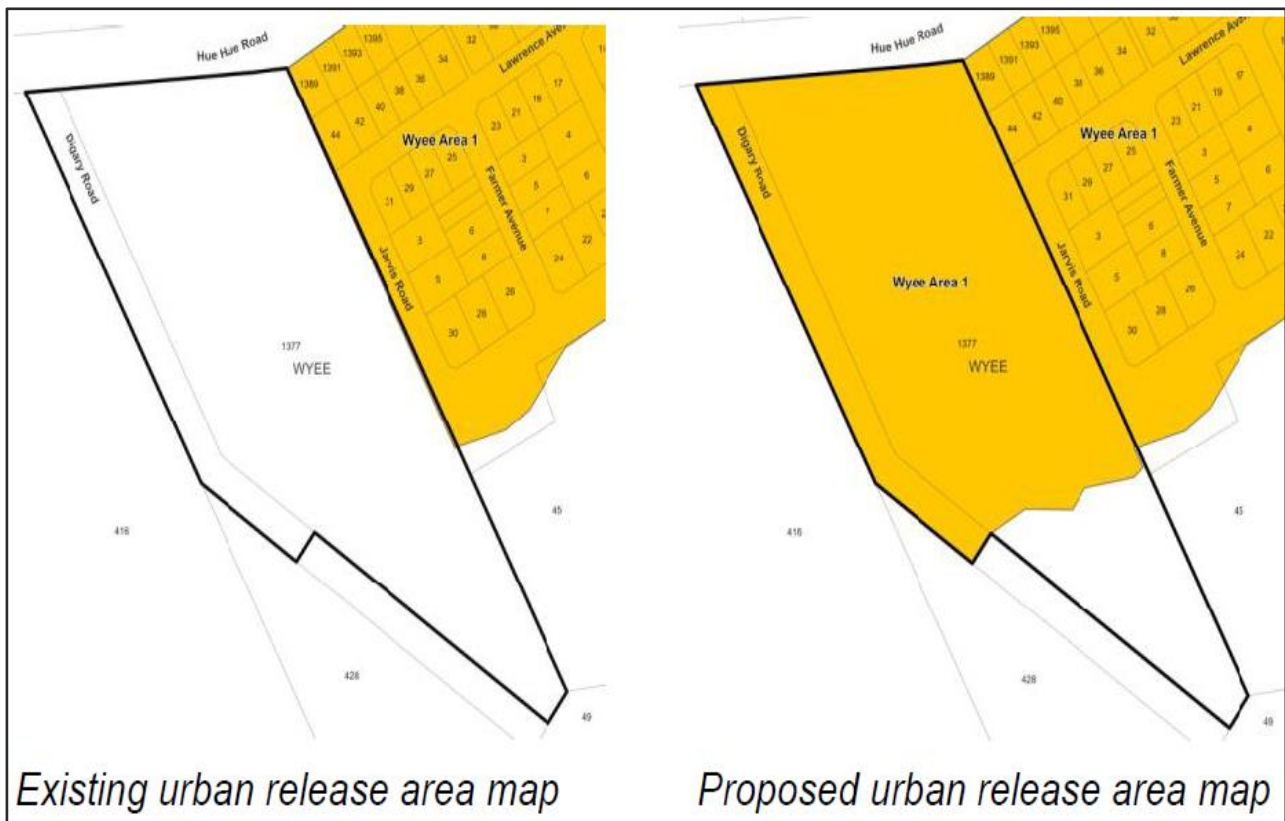


Figure 6 Current and proposed urban release area map

1.6 Background

The site adjoins the Wyee Structure Plan Precinct and was adopted by Lake Macquarie City Council in 2010 and provided the strategic direction for the planning and future development of Wyee (Figure 7).

The Wyee Structure Plan Precinct was rezoned from rural purposes to residential and environmental conservation purposes under *Lake Macquarie Local Environmental Plan 2004 (Amendment No 61)* on 24 May 2013.

The Wyee West Structure Plan is identified in Part 12 Precinct Area Plan Wyee West of *Lake Macquarie Development Control Plan 2014*. The purpose of the Wyee West Precinct Area Plan is to provide a strategic and coordinated approach to the development of land located to the west of the existing Wyee township.

The planning proposal site adjoins the Wyee West Precinct A (Figure 8) which is identified for predominantly low density housing on a range of lot sizes. Council proposes to revise the extent of the area plan to include the site and has prepared a draft Wyee West Precinct Area Plan to support the planning proposal. The site is proposed to be identified as a new Precinct D in the revised Precinct Area Plan and will comprise predominantly low density housing on a range of lot sizes in the northern section of the site and will retain the C2 zoned land in the southern section of the site.

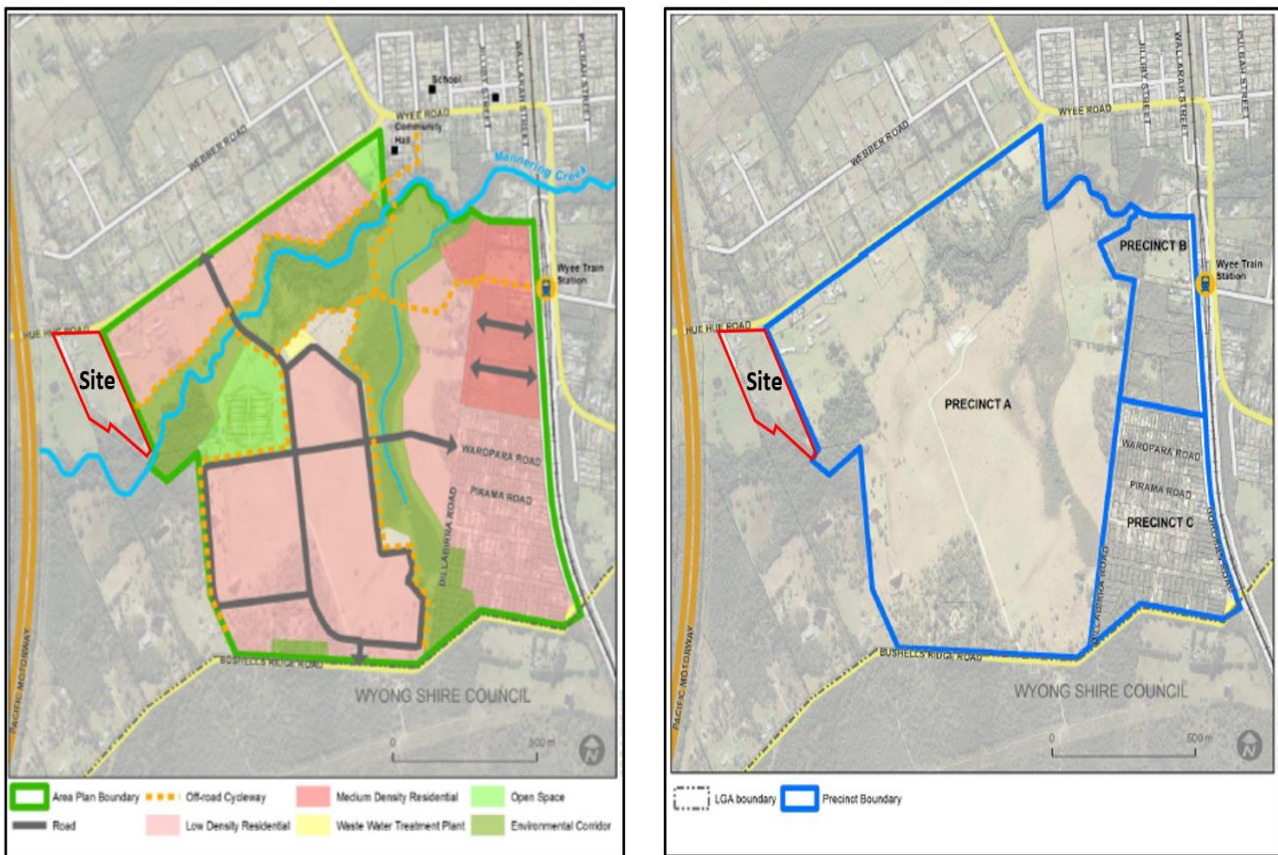


Figure 7 Current Wyee West Structure and Precinct Area Plan DCP

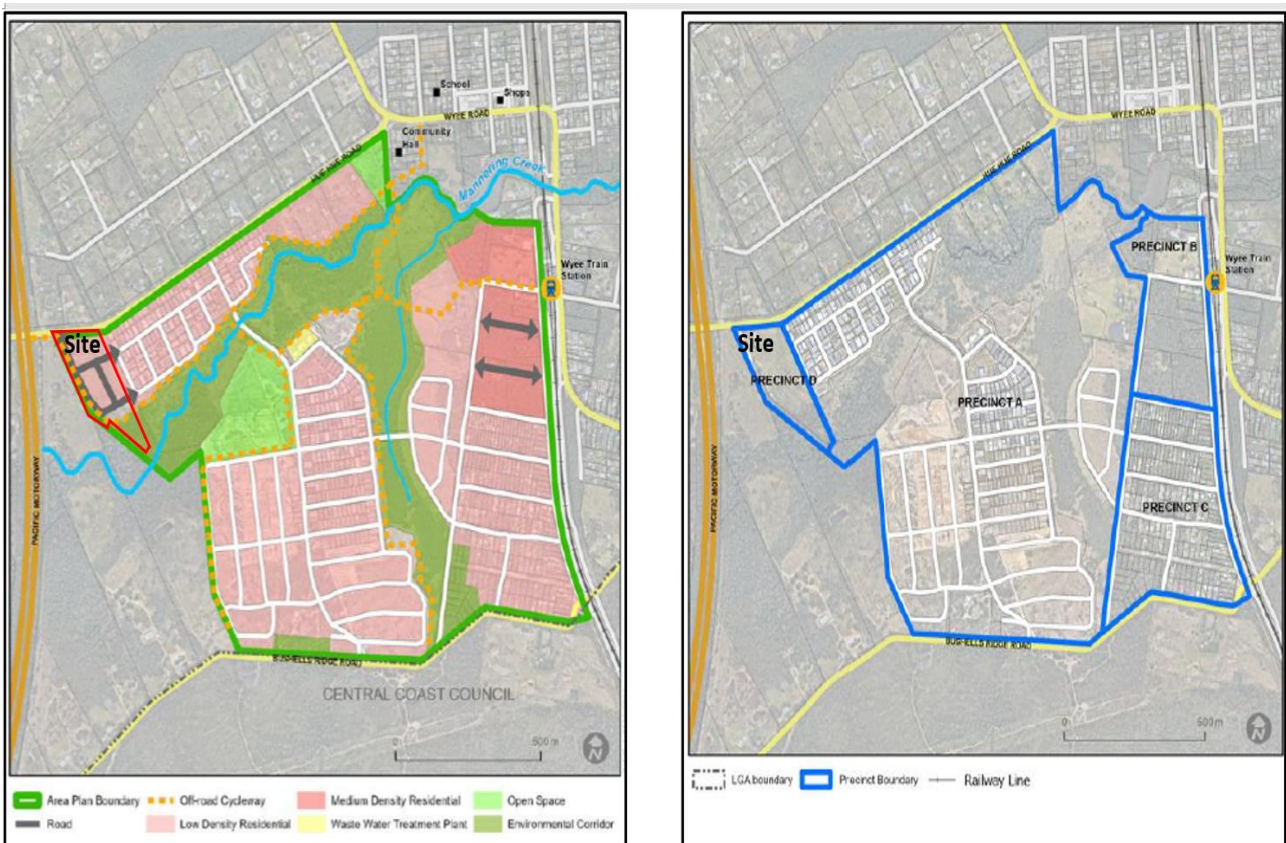


Figure 8 Proposed Wyee West Structure and Precinct Area Plan DCP

2 Need for the planning proposal

The planning proposal has been initiated by the proponent and is not a direct action of the *Lake Macquarie Local Strategic Planning Statement* (LSPS). The site is located in the South West Growth Area as a future growth investigation area at Wyee and includes objectives relevant to the planning proposal to provide:

- additional residential areas with a range of housing types
- maintaining local ecological corridors
- Mannering Creek and its riparian corridors are rehabilitated and conserved.

Council has identified the rezoning of the existing RU2 Rural Landscape zoned land will enable residential development on the site while retaining the existing biodiversity conservation outcomes. The proposed rezoning is the only method to achieve the objectives of the planning proposal and meet the objectives of Council's LSPS.

The planning proposal will enable the creation of approximately 40 to 50 residential dwellings which adjoin the existing Wyee West Precinct. The planning proposal presents a logical expansion of the Wyee West Precinct and be supported by appropriate local infrastructure and services, including stormwater and roads infrastructure.

3 Strategic assessment

3.1 Hunter Regional Plan 2041

The *Hunter Regional Plan 2041* acknowledges the Hunter contains many different communities across various urban, rural and coastal contexts, each of which will see the 15-minute neighbourhood concept take a different shape.

The site is located within the Morisset Growth Area identified in the *Hunter Regional Plan 2041* and identifies that 'Morisset and its supporting local centres of Cooranbong and Wyee represent the largest future growth area in the Hunter. The site is located on the fringe of an adjoining recently developed urban release area, and proximate to rural residential housing and agriculture lots. The future intention for the site is a suburban setting and means it will have a general suburban context.

The following table provides an assessment of the planning proposal against relevant aspects of the *Hunter Regional Plan 2041*.

Table 4 Hunter Regional Plan assessment

Regional Plan Objectives	Justification
<p>Strategy 3.1: Planning proposals that propose a residential, local centre or commercial centre zone will not prohibit the following land uses within urban core, general urban, inner suburban and general suburban contexts:</p> <ul style="list-style-type: none"> • business premises • restaurants or cafes • take-away food and drink premises • neighbourhood shops and supermarkets • educational establishments • early education and care facilities • health services facilities • markets • community facilities • recreation areas 	<p>The R2 Low Density Residential zone in the <i>Lake Macquarie Local Environmental Plan 2014</i> prohibits the following land uses:</p> <ul style="list-style-type: none"> • business premises • restaurants or cafes • take-away food and drink premises • neighbourhood supermarkets • educational establishments • early education and care facilities • health services facilities • markets <p>The planning proposal is not consistent with Strategy 3.1 as uses remain prohibited.</p> <p>The planning proposal does provide local access to open space and is designed to be green to support the generation and of connection to the natural environment.</p> <p>The site is located close to the township of Wyee. It has a dedicated pedestrian and cycle link from the site directly to transport and services a. Google maps indicates it would be a 19 minute walk and 5 minute cycle from the site to the Wyee Shopping Village.</p> <p>An assessment against the relevant performance outcomes and indicators for Objective 3 has not been provided. Therefore, a view has not been able to be formed as to the proposal's consistency.</p>

Regional Plan Objectives	Justification
<p>Strategy 5.3: Planning proposals will not prohibit the following housing typologies within residential zones that apply to urban core, general urban, inner suburban and general suburban contexts:</p> <ul style="list-style-type: none"> • Attached dwellings • Boarding houses • Dual Occupancies • Group Homes • Multi-dwelling housing • Secondary dwellings • Semi-detached dwellings 	<p>The R2 Low Density Residential zone in <i>the Lake Macquarie Local Environmental Plan 2014</i> prohibits the following housing typologies:</p> <ul style="list-style-type: none"> • Attached dwellings • Multi dwelling housing <p>The planning proposal is not consistent with Strategy 5.3.</p> <p>It is noted the R1 General Residential zone in <i>Lake Macquarie Local Environmental Plan 2014</i> permits all the housing typologies identified in Strategy 5.3.</p> <p>The planning proposal sets a minimum lot size of 450m². The concept subdivision plan proposes 50 residential lots on the site with lot sizes ranging from 450m² to 699m². This is generally not the type of housing typology that maximises the use of existing infrastructure and reduces travel demand. The existing development pattern does not appear to be providing a wide range of housing choice.</p> <p>In this case, the site is located 1.3 kilometres from Wyee train station and is situated on agricultural land that is largely isolated from similar surrounding land uses. Therefore, the site being rezoned to R2 Low Density Residential, with a 450m² minimum lot size, is seen to be appropriate for this location.</p> <p>An assessment against the relevant performance outcomes and indicators for Objective 5 has not been provided. Therefore, a view has not been able to be formed as to the proposal's consistency.</p>
<p>Strategy 6.3: Planning proposals will ensure the biodiversity network is protected within an appropriate conservation zone unless an alternate zone is justified following application of the avoid, minimise, offset hierarchy.</p>	<p>The planning proposal will:</p> <ul style="list-style-type: none"> • retain the southern part of the site that is zoned C2 Environmental Conservation. • rezone a small part of the RU2 Rural Landscape zone to C2 Environmental Conservation to add a buffer to two habitat trees located on the zone boundary. • rezone part of the C2 Environmental Conservation zone that applies to Digary Road to R2 Low Density Residential. <p>The planning proposal is consistent with this strategy as the biodiversity network will be protected and maintained through the C2 Environmental Conservation zone.</p>

Regional Plan Objectives	Justification
<p>Strategy 6.4: Planning proposals should promote enterprises, housing and other uses that complement the biodiversity, scenic and water quality outcomes of biodiversity corridors. Particularly, where they can help safeguard and care for natural areas on privately owned land.</p>	<p>To maintain and improve the environmental value of the surrounding biodiversity network, the planning proposal sets out that the proposal:</p> <ul style="list-style-type: none"> • will retain the C2 Environmental Conservation zoned land in the southern section of the site. • will establish a vegetation management plan, as part of a voluntary planning agreement. • found no items or objects of Aboriginal cultural heritage significance on the site. • will provide water management measures and infrastructure to protect the health of the Mannering Creek and other waterways. <p>The planning proposal is consistent with this strategy as the planning proposal promotes housing that complements the biodiversity network which will be protected and maintained through the C2 Environmental Conservation zoned land.</p>
<p>Strategy 7.5: Planning proposals will protect sensitive land uses from sources of pollution, such as major roads, railway lines and designated freight routes, using appropriate planning and development controls and design solutions to prevent and mitigate exposure and detrimental impacts on human health and wellbeing.</p>	<p>The M1 Motorway is located approximately 100 metres directly west of the site.</p> <p>The <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> includes objective to prevent or reduce the potential impact of traffic noise and vehicle emissions on development adjacent to classified roads.</p> <p>A traffic noise and vibration assessment has been prepared in support of the planning proposal and concluded road traffic noise and vibration present a minor impact to residential amenity.</p> <p>Minor upgrading of the dwelling facades, including window glazing, would be required for lots on the northern and western boundaries to mitigate noise impacts.</p> <p>There does not appear to be any technical reports on air pollution impacts of major roads.</p>

3.1.1 Optimal density

Housing needs to be planned in a way that meets the varied and changing needs of people across their life, in areas where residents can access public transport, public open space and services, such as established towns and neighbourhoods.

Optimal density is identified in *Hunter Regional Plan 2041* as one of the elements that enable 15-minute neighbourhoods, by facilitating human activity to support neighbourhood uses and services.

The Hunter Regional Plan seeks to create a mix of densities in the 'general urban' and 'general suburban' contexts, and includes desired dwelling density targets. The site is identified as 'general suburban' context, with the Hunter Regional Plan setting a desired optimal density of 30 dwellings per hectare if the proposal is not within 800m of high frequency public transport, otherwise the optimal density is 50 dwellings per hectare. The site is approximately 1.5km from Wyee train station.

The planning proposal indicates 50 lots will be created on approximately 3.5 hectares of the proposed R2 Low Density Residential zoned land, which would yield 20 single dwellings per hectare.

However, given dual occupancies, secondary dwellings and semi-detached dwelling are permissible on the site a potential higher dwelling yield could be achieved if they housing typologies were developed. The planning proposal is also proposing a minimum lot size of 450m² which would also enable higher densities to be achieved across the site.

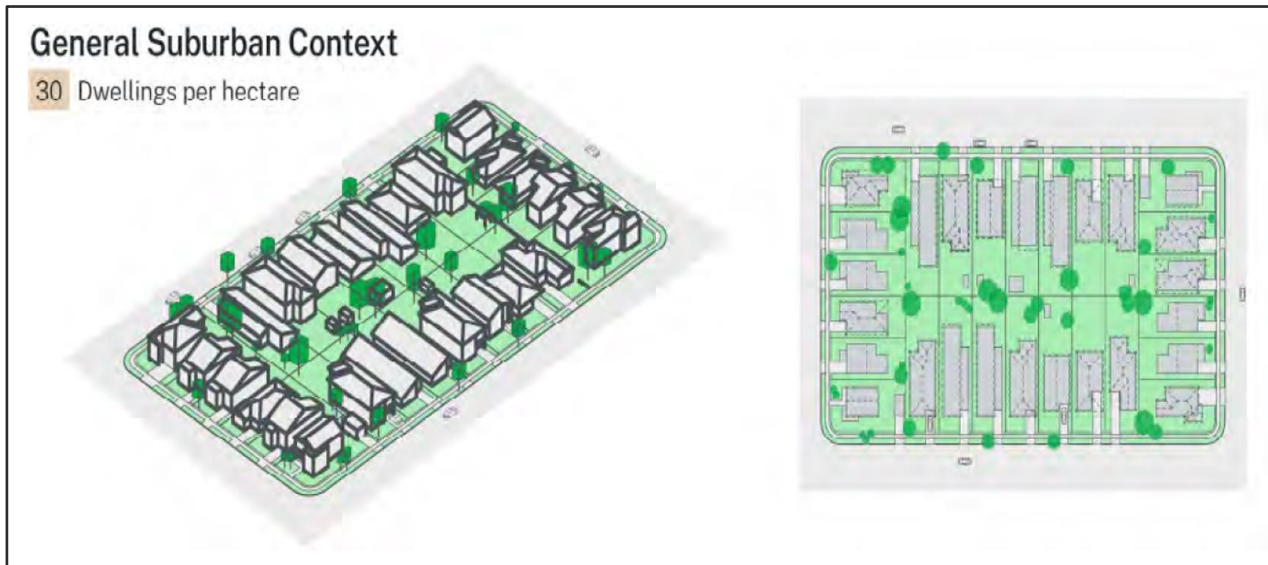


Figure 9 Hunter Regional Plan 2041 General Suburban Context

It is noted it may be difficult to integrate higher dwelling yields on a small site on the periphery of the Wyee West Precinct given the urban release area is already under construction and contains a formed subdivision pattern. This would be further compounded if the further RU2 Rural Landscape lands east and west of the M1 Pacific Motorway continue with a density inconsistent with the promotion of greater housing choice and affordability.

The planning proposal is not inconsistent with the optimal density targets outlined in the *Hunter Regional Plan 2041*. This inconsistency will be compounded if the low density continues in any future proposal for RU2 Rural Landscape in Wyee.

3.2 Greater Newcastle Metropolitan Plan 2036

The *Greater Newcastle Metropolitan Plan 2036* sets out strategies and actions to drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities and assists to achieve the vision set by the former Hunter Regional Plan 2036. The Metropolitan Plan was published in September 2018. The following table provides an assessment of the planning proposal against relevant aspects of the *Greater Newcastle Metropolitan Plan 2036*.

Table 5 Greater Newcastle Metropolitan Plan assessment

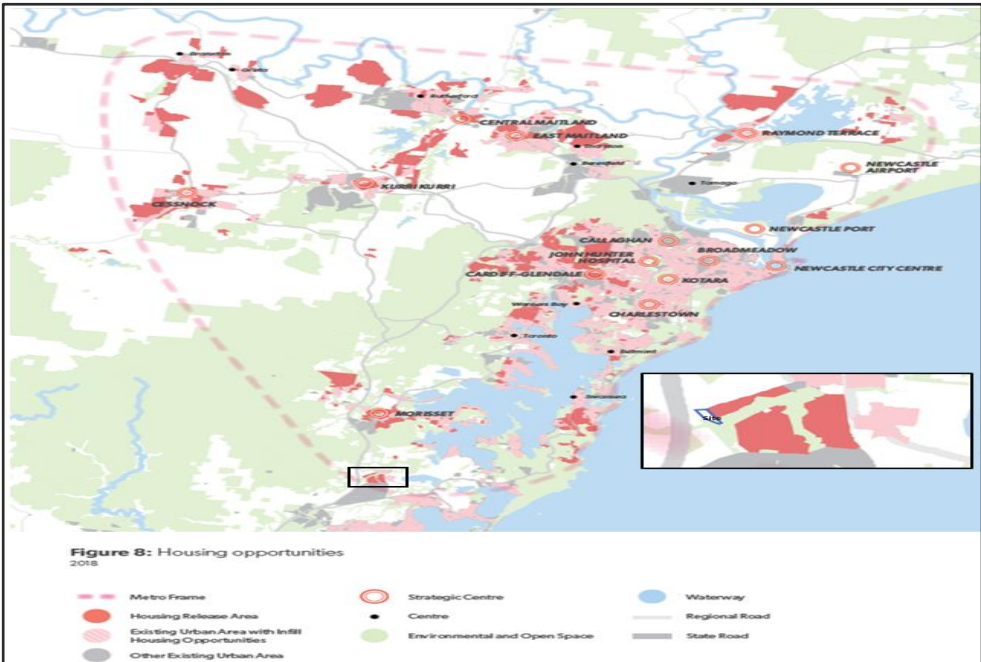
Plan Priorities	Justification
<p>Strategy 13</p> <p>Protect rural amenity outside urban areas</p>	<p>The planning proposal seeks to zone rural land for residential purposes and is inconsistent with Action 13.1 protect and preserve productive agricultural land to support the growth of agricultural industries and keep fresh food available locally.</p> <p>Council has identified the land is isolated from other rural land by C2 Environmental Conservation and the R2 Low Density Residential zones and by the M1 Pacific Motorway. The site is also identified as a future growth investigation area in the Local Strategic Planning Statement.</p> <p>Council should consult with the Department of Primary Industries on the loss of rural lands, which are identified as state significant in the draft state significant agricultural land maps, before determining whether inconsistency with the strategy has been justified.</p>
<p>Strategy 17</p> <p>Unlock housing supply through infrastructure coordination and delivery</p>	<p>The planning proposal site is located within the Metro Frame and adjoins a housing release area being Wyee West Precinct which is currently being developed. Council has advised the planning proposal can connect into infrastructure in place in the Wyee West Precinct.</p> <p>The planning proposal sets out that the proponent has commenced engagement with key utility providers to develop options and associated costs for servicing to the site. Further engagement with key utility providers to understand how water, sewer and electricity will be delivered to the site will be required.</p> <p>The proposed concept subdivision identifies a yield of 50 lots on the site and enables a density of over 20 lots per hectare, if 70% of the 3.5 hectares of residential land is developed for housing. Higher dwelling numbers are likely should permissible land uses such as dual occupancies, secondary dwellings and semi-detached dwellings be developed on the site given some similar developments have been built in the adjoining Wyee West Precinct.</p> 

Figure 10 Extract of GNMP 2036 Housing Opportunities Map

3.3 Lake Macquarie Local Strategic Planning Statement

The planning proposal states it is consistent with the following local plans and endorsed strategies.

Table 6 Local strategic planning assessment

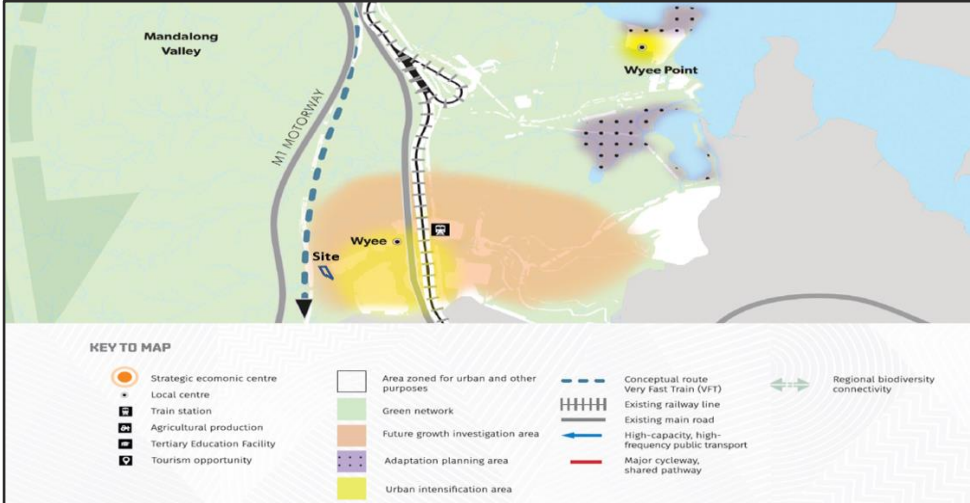
Local Strategies	Justification
<i>Lake Macquarie Local Strategic Planning Statement 2036</i>	<p>The planning proposal is located within the South West Growth Area in the <i>Lake Macquarie Local Strategic Planning Statement</i> (LSPS). The LSPS identifies the Cooranbong, Morisset and Wyee areas have considerable opportunities for urban development. For Wyee, the LSPS specifically identifies:</p> <ul style="list-style-type: none"> • The service role of the local centre is reinforced with an increase in services to cater for the growing population. • Additional residential areas are developed with a range of housing types, particularly near the local centre and railway station while maintaining local ecological corridors. • High-amenity cycle and pedestrian linkages run between new residential, recreation, and commercial areas and the train station. • Mannering Creek and its riparian corridors are rehabilitated and conserved. • Quality recreational areas are provided to cater for the growing community. <p>The planning proposal supports the local centre of Wyee, increases housing choice on the site and protects the riparian corridor of Mannering Creek. The site's location near the M1 Motorway and Northern Rail Line (Wyee train station) makes this area a sensible location for growth providing affordable and diverse housing development with access to nearby population and employment areas and main transport infrastructure.</p> <p>Specifically, the proposal responds to Priority 2 by providing new housing in the North West and South West Growth Areas, ensure future housing is well serviced and ensure growth areas are highly liveable with access to services and facilities. The planning proposal responds to Priority 6 by seek to protect and enhance the biodiversity values on the stie through the retention of the C2 Environmental Conservation zoned land and being supported by a vegetation management plan.</p> 

Figure 11 Extract from LSPS of South West Growth Area Map

*Lake Macquarie
Housing Strategy
2020*

The *Lake Macquarie Housing Strategy 2020* was conditionally endorsed by the Department on 23 November 2020. The endorsement noted additional investigation is required before site-specific or policy-related planning proposals can be prepared and cannot be used to justify any inconsistency with section 9.1 Ministerial directions.

The Housing Strategy identifies Wyee as part of the South West Growth Area and includes an objective to complete housing release areas around Wyee. The planning proposal responds to the following planning priorities:

- Priority 1: Facilitate Efficient Housing Supply & Infrastructure Coordination
- Priority 2: Increase Diversity and Choice in Housing.

The planning proposal focuses new greenfield housing where it is well located near existing centres and transport nodes, and it provides for the efficient supply of housing to meet demand for a range of housing options to meet the diverse housing needs of the community.

The planning proposal is consistent with the *Lake Macquarie Housing Strategy 2020*.

3.4 Section 9.1 Ministerial directions

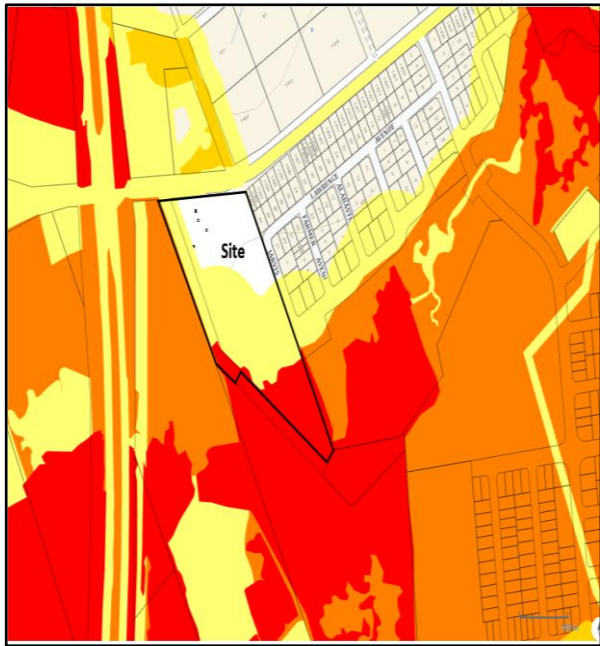
The planning proposal's consistency with relevant section 9.1 Ministerial directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistency yet to be determined	The planning proposal is consistent with this direction, as it contributes to the delivery of housing in an area with established services and infrastructure.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.1 Conservation Zones	Consistency yet to be demonstrated	<p>A biodiversity and riparian assessment report was prepared and identifies vegetation on the site as Coastal Plains Scribbly Gum Woodland, Alluvial Riparian Blackbutt Forest and Wyong Paperbark Swamp Forest.</p> <p>A portion (0.05ha) of Coastal Plains Scribbly Gum Woodland and portion of Alluvial Riparian Blackbutt Forest EECs will be removed.</p> <p>The EEC vegetation in the southern section of the site will be retained in the C2 Environmental Conservation zone and regenerated under a vegetation management plan.</p> <p>The Biodiversity and Conservation Division were consulted during pre-lodgement and recommended impacts on threatened flora and fauna and biodiversity from the road extension and location of the stormwater basin.</p> <p>Council has advised the recommendations were incorporated into the biodiversity and riparian assessment report. Council still intends to reconsult with the agency prior to public exhibition.</p>

Figure 13 – PMF Flood Mapping

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.3 Planning for Bushfire Protection	Consistency yet to be determined	<p>Preliminary consultation has occurred during pre-lodgement and NSW Rural Fire Service (RFS) requested the hazard along the south-western side boundary within the C2 Environmental Conservation zoned land be addressed.</p> <p>The site is identified as bushfire prone land, with the bushfire threat assessment revealed the site will be affected by forest vegetation to the north-east, north-west and south post rezoning.</p> <p>The assessment states <i>'suitable access/egress is provided off Hue Hue Road, Digary Road and via the proposed perimeter road and internal road network'</i>.</p> <p>Given the planning proposal will affect land that is mapped as Vegetation Category 1 ,3 and Buffer on the Bushfire Prone Land maps. Consultation with the NSW RFS is required under the terms of the direction before consistency can be determined. This should occur prior to public exhibition.</p>  <p>Figure 14 – Bushfire Prone Land</p>
4.4 Remediation of Contaminated Land	Consistent	<p>A preliminary investigation of the land identified the site has been used for agricultural and residential purposes since the 1960s with residential uses being the main land use for the last 20 years. The supporting study concluded the risk of gross chemical contamination was considered low and suitable for the proposed residential subdivision. The planning proposal is consistent with the direction.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.1 Integrating Land Use and Transport	Consistent	<p>The planning proposal site is serviced by Hue Hue Road, a local road. The site is located approximately 2 kilometre distance to the Wyee train station and a neighbourhood shopping centre. There are bus services available on Hue Hue Road, and pathways and cycleways are available in the surrounding streets in the adjoining Wyee West Precinct.</p> <p>Council has advised connecting pathways and cycleways will also be part of the considerations at the development application stage.</p> <p>The planning proposal is consistent with this direction.</p>
6.1 Residential Zones	Consistent	<p>The site adjoins the existing Wyee West Precinct with services able to be connected to. Council has advised engagement with key utility providers to develop options and associated costs to deliver water, sewer and electricity to the site has commenced.</p> <p>The site is proposed to be identified as an Urban Release Area and is subject to clause 6.2 of the <i>Lake Macquarie Local Environmental Plan 2014</i> which requires that essential public utility infrastructure is or is able to be made available prior to the granting of development consent.</p> <p>The planning proposal is consistent with the direction.</p>
9.1 Rural Zones	Not consistent	<p>Council considers the planning proposal inconsistency with the direction is of minor significance as the site is isolated from other rural land by conservation land, residential land and the M1 Motorway. The land is also identified in Council's LSPS as a future growth area.</p> <p>Council had advised it received no correspondence from Department of Primary Industries during pre-lodgement on the planning proposal and Council proposes to consult with Department of Primary Industries.</p> <p>Further consultation is considered appropriate to determine whether inconsistency with the direction has been justified. Further consultation with the agency should occur prior to public exhibition.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal needs further work to demonstrate consistency with the relevant SEPPs as listed below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021	<p><u>Chapter 3 Koala habitat protection 2020</u></p> <p><u>Chapter 4 Koala habitat protection 2021</u></p> <p>The aims of the Chapters are to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas.</p>	Consistency yet to be demonstrated.	<p>Council consulted with Biodiversity and Conservation Division during pre-lodgement and they recommended the planning proposal includes further details on koala surveys within the subject area.</p> <p>The biodiversity and riparian assessment report outlines the site contains trees identified as koala feed and use tree species. Ground-truthing and koala surveys did not identify the presence of koalas on the site or within 2.5km of the site. The site is therefore considered unlikely to contain koalas and is thus not deemed to be 'core koala habitat'.</p> <p>Council proposes consultation with Biodiversity and Conservation Division and this is appropriate to confirm the report meets its requirements and to determine consistency with the SEPP.</p>
State Environmental Planning Policy (Housing) 2021	This SEPP aims to promote the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services and designing housing in a way that reflects and enhances its locality.	Consistent	<p>The planning proposal does not include any provisions to impede the operation of the SEPP.</p> <p>The site adjoins the Wyee West Precinct, an Urban Release Area, and the planning proposal aligns with the principle of ensuring new housing provides residents with a reasonable level of amenity and delivering housing in locations where it will make good use of existing and planned infrastructure and services.</p> <p>The planning proposal is consistent with the SEPP.</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Primary Production) 2021	<p>Chapter 2 Primary production and rural development</p> <p>One of the aims of the Chapter is to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources.</p>	Consistency yet to be demonstrated.	<p>The land is not identified as Biophysical Strategic Agricultural Land (BSAL) and is not identified as State Significant Agricultural Land in Schedule 1 of SEPP (Primary Production) 2021.</p> <p>Council considers the loss of approximately 3.2ha of rural zoned land in an isolated location is of minor significance and notes the site is identified in Council's LSPS as a future growth investigation area.</p> <p>Consultation with the Department of Primary Industries is required regarding potential land use conflict and loss of rural zoned land before consistency can be determined.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021	<p>Chapter 4 Remediation of Land</p> <p>The aim of the Chapter is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p>	Consistent	<p>The preliminary site investigation to support the planning proposal concluded the risk of gross chemical contamination was considered low and suitable for the proposed residential subdivision and is considered consistent with the SEPP.</p>

4 Site-specific assessment

4.1 Environmental

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

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Visual impact	<p>Hue Hue Road has been developed for residential purposes and the proposed development will be a continuation of this residential development. The interface with the adjoining rural lot to the west is separated by Digary Road with dwellings located south of the creek on Bushells Ridge Road.</p> <p>Visual impacts are not considered to have a significant impact on the character or amenity of the surrounding area.</p>

4.2 Social and economic

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

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Social impacts	<p>A social impact assessment identified the planning proposal will generate a demand for existing community facilities. For example schools, child care centres, recreational and sport facilities, community centres and nursing homes. Given the minor scale of development the assessment did not anticipate:</p> <ul style="list-style-type: none"> • a drastic increase in the need for a new child care centre or school • a need for new sport facilities as the existing facilities within walking distance • an increase in demand for a youth/community centre as there is an existing multi-function community hall available • the additional population would require new specific seniors housing or aged care facilities within Wyee. <p>The planning proposal is considered satisfactory and is unlikely to result in adverse social impact in the locality.</p>
Economic impacts	<p>The rezoning and future development of the site will generate construction-related employment and investment in the local economy. The planning proposal is considered satisfactory and is unlikely to result in adverse economic impacts in the locality.</p>

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the planning proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Contribution Plans	<p>The <i>Lake Macquarie City Council's Section 7.12 Contributions Plan – Citywide 2019</i> (s7.12 plan) and the <i>Lake Macquarie City Council Development Contributions Plan 2012 - Morisset Contributions Catchment</i> (s7.11 plan) apply to the site.</p> <p>The contributions plans allow for collection of contributions for the works enabled by the planning proposal.</p>
Gas Pipeline	<p>The site is located within the notification zone of a natural gas pipeline and Council proposes to consult with the Australian Pipeline and Gas Authority. This is supported and Council should also consult with the pipeline owners Jemena.</p>
Roads	<p>Council has considered the traffic volume is able to be accommodated within the existing road network without the need for road widening or intersection upgrades. Council has indicated the proponent would intend to provide development contributions for the proposed development in accordance with <i>Lake Macquarie City Council Development Contributions Plan 2012 – Morisset Contributions Catchment</i> (Contributions Plan) that includes a component to go towards local traffic and transport infrastructure and is considered appropriate.</p>
Services	<p>The site adjoins the existing Wyee West Precinct with water, sewer and electricity services available to be connected to. Consultation with the relevant services providers is required to ensure the site can be appropriately serviced.</p>

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 working days.

The exhibition period proposed is considered appropriate, and forms part of the conditions of the Gateway determination.

5.2 Agencies

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

- NSW Rural Fire Service
- Biodiversity and Conservation Division
- Heritage NSW
- Department of Primary Industries
- Hunter Water
- Jemena.

6 Timeframe

Council proposes a 200 day timeframe to complete the LEP from the date of the Gateway determination.

Under the *Local Environmental Plan Making Guide (September 2022)*, a standard planning proposal is to achieve the following timeframes:

Stage	Actions	Working Days
Post-Gateway	Review gateway, action conditions, prepare relevant studies and consult with government agencies prior to exhibition.	50 days.
Public exhibition and assessment	Undertake public exhibition and consultation with authorities, review of submissions and endorsement of proposal by the planning proposal authority.	95 days (inclusive of a minimum public exhibition period of 20 days).
Finalisation	Finalisation of the local environmental plan, including legal drafting and gazettal.	55 days.
Total days		200

Accordingly, the Department recommends the timeframe for completing the LEP should be on or before 9 June 2024 in line with the guide.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making Authority.

The planning proposal is categorised as ‘standard’ and the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Recommendation

It is recommended the delegate of the Secretary:

- Note the consistency with section 9.1 Directions 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.1 Flooding, 4.3 Planning for Bushfire Protection and 9.1 Rural Zones are unresolved and will require justification.

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

1. The planning proposal is to be updated prior to community consultation:
 - correct the error in the explanation of provisions that refers to Rural Production and replace with RU2 Rural Landscape;
 - include in the explanation of provisions the Height of Buildings Map is to be updated to apply a maximum building height of 5.5m to the C2 Environmental Conservation zone.

- include an assessment against the relevant strategies or performance outcomes in the *Hunter Regional Plan 2041*.
2. Consultation, prior to public exhibition, is required with the following public authorities:
 - NSW Rural Fire Service
 - Biodiversity and Conservation Division
 - Heritage NSW
 - Hunter Water
 - NSW Department of Primary Industries
 - Jemena
 3. The planning proposal should be made available for community consultation for a minimum of 20 days.
 4. The timeframe for completing the LEP should be on or before 9 June 2024.
 5. Given the nature of the proposal, Council should be authorised to be the Local Plan-Making Authority.



(Date) (Signature)

21/8/2023

Yasmin Campbell

Manager, Central Coast and Hunter



(Signature)

25 August 2023 (Date)

Dan Simpkins

Director, Central Coast and Hunter

Assessment officer

Glenn Horal

Senior Planning Officer, Central Coast and Hunter Region

4345 4409