

Lake Macquarie City Council  
Box 1906  
HUNTER REG MAIL CENTRE NSW 2310

Your reference: REF-2648 (PP-2022-3016)  
Our reference: SPI20240118000004

**ATTENTION:** Mashal Moughal

Date: Thursday 8 February 2024

Dear Sir/Madam,

**Strategic Planning Instrument  
Rezoning - Planning Proposal**

Rezone part of the land for low density residential purpose and retain the existing environmental conservation portion of the site.

I refer to your correspondence dated 18/01/2024 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The NSW Rural Fire Service has reviewed the information provided in relation to the requested comments on the partial rezoning of 1377 Hue Hue Road Wyee from RU2 Rural Landscape to R2 Low Density Residential and no specific objections to the proposed amendment are raised at this time. It is advised that future subdivision of the land must demonstrate compliance with Chapter 5 - *Residential and Rural Residential Subdivision of Planning for Bush Fire Protection (PBP) 2019*.

It should be noted that the RFS position on the rezoning was formed on the basis that all land as identified in the plans prepared by Anderson Environmental Planning (*Figure 5 - BALs and APZs*, dated November 2023, Ref: 2389.01) as being within the 'Development Footprint' is to be cleared of bush fire prone vegetation. This area includes portion of the site identified as being within C2 - Environmental Conservation zoned land. This correspondence does not authorise the clearing of any vegetation, nor does it include an assessment of potential ecological impacts of clearing vegetation for the purpose of establishing asset protection zones. Approvals necessary for the clearing of vegetation should be obtained prior to the establishment of any asset protection zones.

For any queries regarding this correspondence, please contact Adam Small on 1300 NSW RFS.

Yours sincerely,

Nika Fomin  
**Manager Planning & Environment Services  
Built & Natural Environment**

**Postal address**

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

**Street address**

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

**T** (02) 8741 5555  
**F** (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



Your ref: PP-2022-3016  
Our ref: DOC24/233589-3

Mashal Moughal  
Strategic Planner  
Lake Macquarie City Council

By email: [mmoughal@lakemac.nsw.gov.au](mailto:mmoughal@lakemac.nsw.gov.au)

Dear Mashal

**Subject: PP-2022-3016 – 1377 Hue Hue Road, Wyee – Additional information request**

Thank you for providing the additional information requested by Biodiversity and Conservation Division (BCD) on 7 March 2024 regarding the revised flood information for 1377 Hue Hue Road, Wyee.

BCD have reviewed the revised Integrated Water Management report and supporting cover letter (Orion, 22/03/24) and have no further comments on this proposal.

If you have any further questions about this issue, please contact Neil Kelleher, Senior Team Leader, Water Floodplains and Coast at [huntercentralcoast@environment.nsw.gov.au](mailto:huntercentralcoast@environment.nsw.gov.au).

Yours sincerely

Joe Thompson  
**Director Hunter Central Coast Branch**  
**Biodiversity and Conservation Division**

16 April 2024

+ New

> number: Ref-2392

Decision provided

Actions

Close

✓ Assessment

✓ Decision

Dashboard

Active work

Completed work

Reports

Condition report

Knowledge Management

Submission Register

Proposal case details

Referral case details

Documents

Action summary

Following a preliminary review, is the detail provided complete and is the case ready for a decision?

Yes, the application is ready for decision

What is the outcome of your review?

Decision not required

Comments

Jemena's closest high pressure natural gas transmission pipeline is the Jemena Gas Networks Pipeline, which is located approximately 70m due east of the development site.

As such, Jemena does not anticipate that the proposed development will impact Jemena's high pressure natural gas pipeline, and vice versa. Consequently, Jemena does not wish to provide objections or further comments to the Planning Proposal.

## Documents

### Recents

[See all](#)

Referral for Jemena

Ref-2392

PP Online

PP-2022-3016

PP Online

PP-2022-2811

Referral for Hunter Water Corporation

Ref-2390

Additional Information

AI1025055

## Department of Planning and Environment

Our ref: 791476-02

Ms Morven Cameron  
Chief Executive Officer  
Lake Macquarie City Council  
Box 1906  
HUNTER REGIONAL MAIL CENTRE NSW 2310

Attention: Morven Cameron

Planning proposal PP-2022-3016 to amend Lake Macquarie Local Environmental Plan 2014

Dear Ms Cameron

Thank you for the opportunity to comment on the **planning proposal** for rezoning land for residential and environmental conservation purposes at 1377 Hue Hue Road, Wyee under Lake Macquarie Local Environmental Plan 2014.

### **Aboriginal cultural heritage considerations under the *National Parks and Wildlife Act 1974***

HNSW support the conservation and protection of Aboriginal cultural heritage values. It is noted that an Aboriginal cultural heritage assessment report (ACHAR) has been completed in support of this proposal.

The outcomes of the ACHAR should be used to inform the planning proposal. If significant Aboriginal cultural heritage values have been identified within the planning proposal areas, then options to avoid impact to these values need to be explored. For example, where the significance of Aboriginal cultural heritage values has been assessed as high, then conservation and avoidance of these values through footprint design should always be the first option. If impact cannot be avoided or if the values have been assessed as moderate, appropriate mitigation measures should be negotiated with the registered Aboriginal parties.

Please note that HNSW have not reviewed the supplied ACHAR. Any future Aboriginal Heritage Impact Permit (AHIP) applications or other referrals will be reviewed on their merits and in accordance with legislated guidelines and policy, found here: <https://www.heritage.nsw.gov.au/applications/aboriginal-objects-and-places/before-you-apply/>.

When submitting an ACHAR in support of an AHIP application, please ensure that it meets the requirements of the guidelines <https://www.heritage.nsw.gov.au/assets/Uploads/files/Guide-to-Investigating-Assessing-and-Reporting-on-Aboriginal-Cultural-Heritage-in-New-South-Wales.pdf>



Consideration of potential land use conflict with any agricultural land uses in the locality should occur as early as possible in the planning process. Council is requested to consider the potential for land use conflict that might arise from the impacts of the lawful agricultural use of nearby rural land on the proposed residential lots when the development application for the subdivision is being assessed.

NSW DPI Agriculture's preferred approach is for new residential lots and rural zoned land to be physically separated. Achieving physical separation assists in minimising the potential for disputes relating to boundary fencing and other land use conflict. I note that the draft concept plan seeks to achieve this by locating a perimeter road on the western side of the proposed residential lots. This approach is supported. However, depending on the nature of agricultural activity being undertaken on nearby rural land a larger separation distance or other mitigation measures may be necessary and a LUCRA is the appropriate tool to assess these matters.

NSW DPI Agriculture has no objection or additional requirements for this planning proposal.

Should you require clarification on any of the information contained in this response, please do not hesitate to contact me on 0429 864 501 or by email at [landuse.ag@dpi.nsw.gov.au](mailto:landuse.ag@dpi.nsw.gov.au).

Sincerely

A handwritten signature in black ink, appearing to read 'Paul Garnett', with a stylized flourish at the end.

Paul Garnett  
Agricultural Land Use Planning Officer  
Ag Strategic Initiatives  
Hunter Region

21 September 2023

Morven Cameron  
Chief Executive Officer  
Lake Macquarie City Council  
Box 1906  
Hunter Regional Main Centre NSW 2310

[mmoughal@lakemac.nsw.gov.au](mailto:mmoughal@lakemac.nsw.gov.au)

Attention: Mashal Moughal

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**PP-2022-3016 – 1377 Hue Hue Road, Wyee**

Dear Ms Cameron

Thank you for your correspondence of 5 September 2023 and the opportunity to provide comment on planning proposal PP-2022-3016 for the rezoning of 1377 Hue Hue Road, Wyee.

The NSW Department of Primary Industries (DPI) Agriculture collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

I have reviewed the planning proposal and the supporting documentation. I understand the proposal seeks to rezone that part of the subject land zoned RU2 Rural Landscape to R2 Low Density Residential and reduce the minimum lot size to 450m<sup>2</sup> to enable the land to be developed for approximately 50 residential lots.

I note that the subject land is included in the Central Lakes district of the Hunter Regional Plan 2041 which is identified as the primary growth area between the Central Coast and Greater Newcastle. The subject land is also included in the Wyee future growth investigation area in the Lake Macquarie Local Strategic Planning Statement 2020 (LSPS).

I understand that Council intends to revise the Wyee Structure Plan (Part 12 Precinct Area Plan Wyee West of Lake Macquarie Development Control Plan 2014) to include the subject site. It is suggested that Council undertake a similar strategic approach for the remaining rural zoned land located between the Wyee West precinct and the Pacific Motorway to determine its suitability for future urban purposes. A strategic approach may avoid the need for further ad hoc amendments to the Structure Plan and provide an opportunity to comprehensively address any potential for land use conflict that might arise from agricultural use of this rural land as the area transitions to urban uses consistent with the intent of Council's LSPS.

It appears that the issue of land use conflict between the future residential land uses on the subject land and existing agricultural land uses in the vicinity has not been investigated with the planning proposal. A land use conflict risk assessment (LUCRA) is the appropriate mechanism to identify potential land use conflict issues and determine required mitigation measures. NSW DPI Agriculture's [Land Use Conflict Risk Assessment Guide](#) may be of assistance to the proponent and Council when investigating potential land use conflict.

Consideration of potential land use conflict with any agricultural land uses in the locality should occur as early as possible in the planning process. Council is requested to consider the potential for land use conflict that might arise from the impacts of the lawful agricultural use of nearby rural land on the proposed residential lots when the development application for the subdivision is being assessed.

NSW DPI Agriculture's preferred approach is for new residential lots and rural zoned land to be physically separated. Achieving physical separation assists in minimising the potential for disputes relating to boundary fencing and other land use conflict. I note that the draft concept plan seeks to achieve this by locating a perimeter road on the western side of the proposed residential lots. This approach is supported. However, depending on the nature of agricultural activity being undertaken on nearby rural land a larger separation distance or other mitigation measures may be necessary and a LUCRA is the appropriate tool to assess these matters.

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Should you require clarification on any of the information contained in this response, please do not hesitate to contact me on 0429 864 501 or by email at [landuse.ag@dpi.nsw.gov.au](mailto:landuse.ag@dpi.nsw.gov.au).

Sincerely

A handwritten signature in black ink, appearing to read 'Paul Garnett', with a stylized flourish at the end.

Paul Garnett  
Agricultural Land Use Planning Officer  
Ag Strategic Initiatives  
Hunter Region

21 September 2023



Hunter Water Corporation  
ABN 46 228 513 446

PO Box 5171  
HRMC NSW 2310  
36 Honeysuckle Drive  
NEWCASTLE NSW 2300  
1300 657 657  
[enquiries@hunterwater.com.au](mailto:enquiries@hunterwater.com.au)  
[hunterwater.com.au](http://hunterwater.com.au)

6 November 2023

WYEE NOMINEES PTY LTD  
C/- ADW JOHNSON  
UNIT 7, 335 HILLSBOROUGH ROAD  
WARNERS BAY NSW 2282

### PRELIMINARY SERVICING ADVICE APPLICATION

Property Address:	1377 HUE RD, WYEE NSW 2259
Lot & Plan number:	Lot 437 DP 755242
Development Description:	Preliminary Servicing Application for Torrens Title Subdivision of 1 lot into 60 Lots
Hunter Water Reference:	2023-1565

Hunter Water offers the following preliminary servicing advice for the provision of water and sewerage facilities for the development detailed above.

General information on water and sewer issues relevant to the proposal are included in this correspondence. This information is indicative only and based on Hunter Water's knowledge of its system performance and other potential developments in the area at the present time. This advice may change substantially due to a range of factors and a detailed analysis of available capacity will be undertaken upon lodgement of a [Development Application](#) to Hunter Water.

When you have development approval, you may submit this Development Application to determine the formal requirements for the development. Hunter Water will then issue a Requirements Letter including an offer for network capacity. You will need to comply with each of the requirements in this Letter for the issue of a [Section 50 Compliance Certificate](#) for the development.

### Financial Requirements

#### ***Reintroduction of Developer Charges***

Hunter Water has been directed by the State Government to reintroduce water and sewer developer charges for new developments. These charges will recover the cost of providing growth infrastructure to service new developments. This follows recommendations by the NSW Productivity Commission's Infrastructure Contributions Review to alleviate the pressure placed on customers to fund growth infrastructure through higher bills.

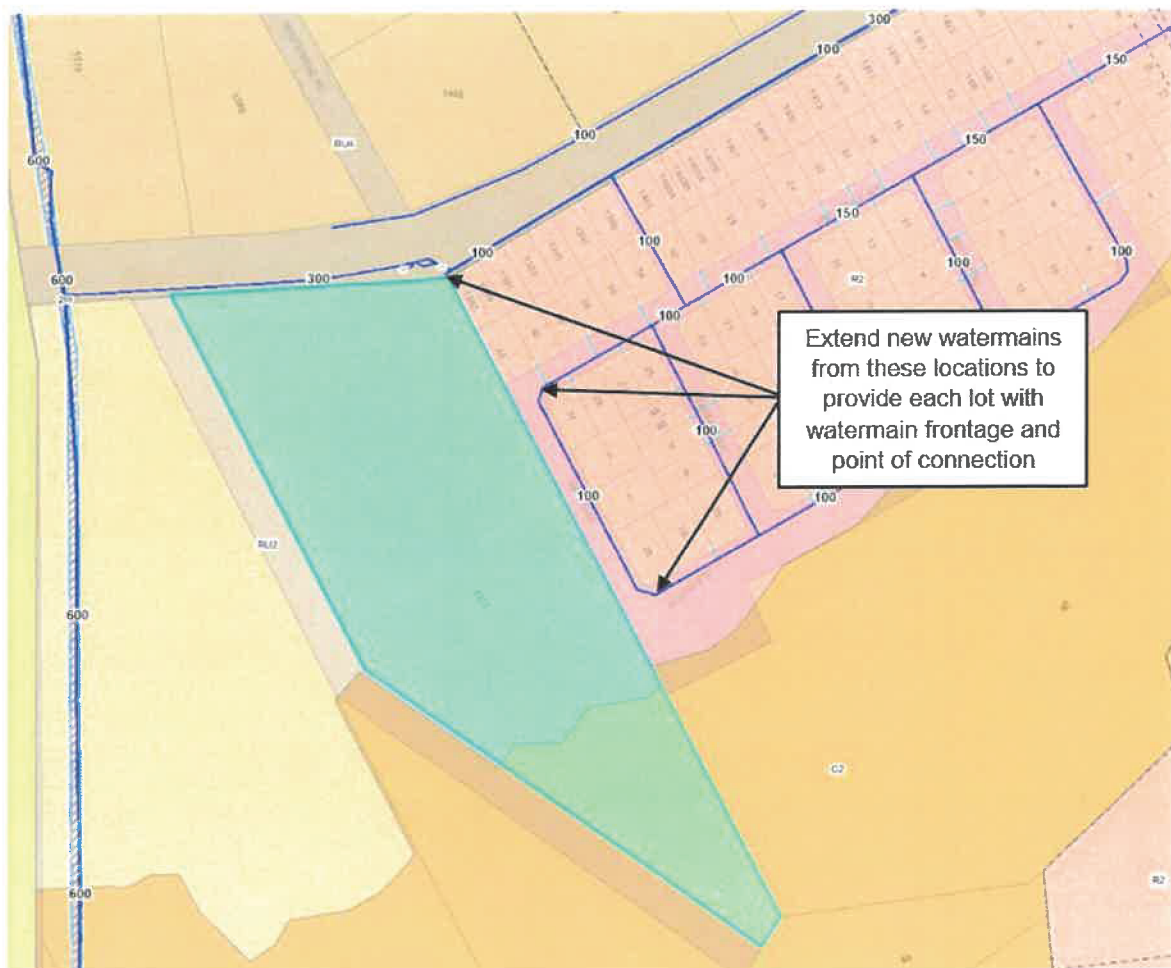
We invited feedback on our draft Development Servicing Plans (DSPs) during a public exhibition from Friday 28 April to Friday 7 July 2023.

Further details on the reintroduction of developer charges can be found on our website [www.hunterwater.com.au/developercharges](http://www.hunterwater.com.au/developercharges).

## Water Supply

The development site is immediately adjacent to the Radcliffe Wyee residential development and has frontage to an existing DN100 PVC-O watermain on Jarvis Rd (see Figure 1). There is sufficient capacity to service the proposed development, and the developer will be required to extend watermain to provide each lot with a watermain frontage and point of connection.

Proposed lots 1 to 9 are not permitted to connect the existing DN300 DICI watermain on Hue Hue Rd, and the required watermain extensions through the development from Jarvis Road will need to connect to the existing DN100 PVC-O watermain terminating outside 1387 Hue Hue Rd (see Figure 1).



**Figure 1 – Location of required watermain extension to service proposed development**

## Wastewater Transportation

An initial review of the proposed subdivision layout and local topography indicates that the development should drain to either the existing dead end within the development lot (opposite 5 Jarvis Road) or the existing gravity sewer network on the eastern side of Jarvis Road (see Figure 2).

The developer is required to confirm that the full extent of the proposed development can drain via gravity to the existing gravity network in order to avoid the requirement to construct a local wastewater pump station.

There is sufficient capacity in the local gravity sewer network to service the development.





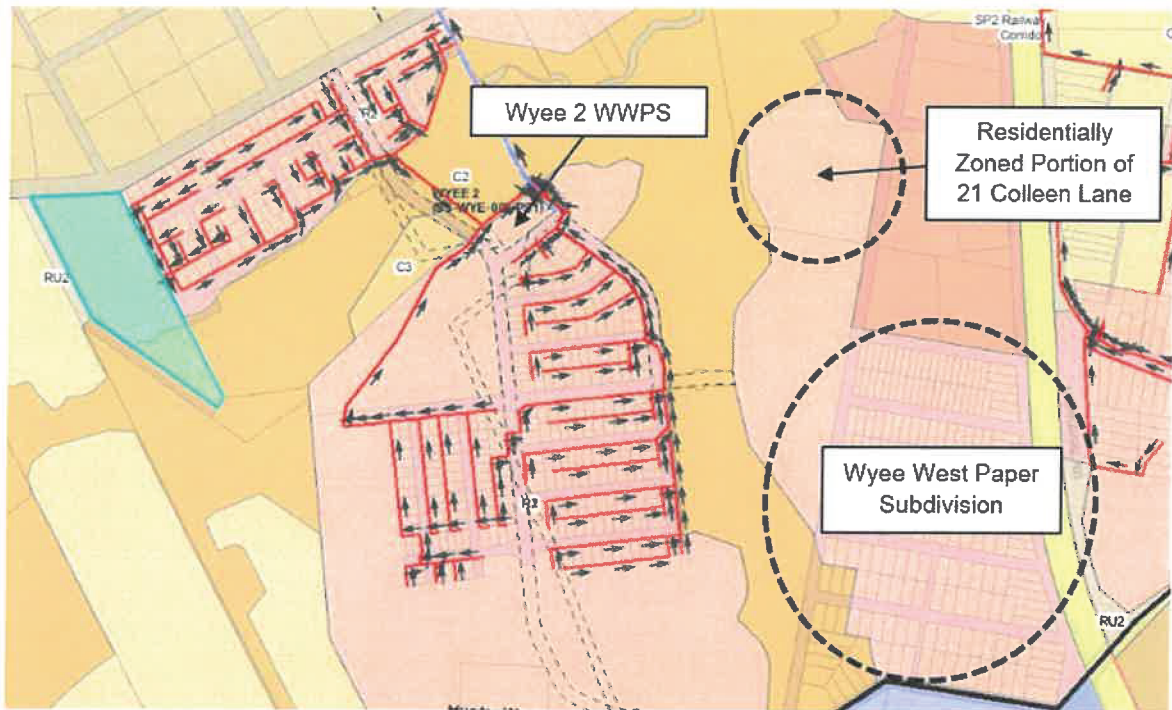
**Figure 2 – Existing sewer dead end in development lot and sewer network on Jarvis Road**

Flows from the proposed development will ultimately drain to the Wyee 2 Wastewater Pump Station (WWPS). The Wyee 2 WWPS was designed and constructed to service the Radcliffe Wyee residential development, the Wyee West paper subdivision and the residentially zoned portion of 21 Colleen Lane (see Figure 3). There will be insufficient capacity in the Wyee 2 WWPS to service all of these developments without upgrading the WWPS.

You will be required to upgrade Wyee 2 WWPS if there is no capacity available when you are ready to connect. The scope of a required upgrade to the Wyee 2 WWPS will need to be determined as part of a Complex Works design that will be identified as a requirement in any future application for Development Assessment (Section 50).

### **Wastewater Treatment**

The development lot is within the Dora Creek Wastewater Treatment Works (WWTW) catchment and there is sufficient capacity to service the proposed development.



**Figure 3 – Wyee 2 WWPS, 21 Colleen Lane and Wyee West Paper Subdivision**

### **Delivery of Developer Works**

Developer works will need to be delivered under [Developer Works Deeds](#) executed by the Developer and Hunter Water.

All developer works are to be designed by an [Accredited Design Consultant](#) and constructed by an [Accredited Contractor](#).

### **Environmental Requirements**

Hunter Water may require a [Review of Environmental Factors](#) (REF) to be submitted in accordance with the provisions of Environmental Planning and Assessment Act 1979 for the delivery of developer works. Hunter Water will assess the REF as a determining authority under provisions of Part 5 of the Act.

### **Entry Requirements**

The proposed investigation works may require entry to another property. You will need to arrange for entry and have evidence of consent by way of a signed [Entry Permit](#) with the affected landowner.

*These preliminary requirements are not commitments by Hunter Water and maybe subject to significant change prior to this development proceeding.*

*If you have any enquiries, please contact your designated assessment officer below.*

<p>Greg McHarg – Account Manager Major Development  T: 02 4081 5835  E: <a href="mailto:greg.mcharg@hunterwater.com.au">greg.mcharg@hunterwater.com.au</a></p>
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5/10/2023

Dane Bryan  
ADW Johnson  
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WARNERS BAY  
NSW 2282

145 Newcastle Road  
Wallsend NSW 2287  
All mail to PO Box 487  
Newcastle NSW 2300  
T +61 2 131 525  
[www.ausgrid.com.au](http://www.ausgrid.com.au)

Dear Dane

**Proposed Development at 1377 Hue Hue Road, Wyee - Lot 437 DP 755242**

I refer to your concept plan of subdivision project No 21-0090 rev02 concerning the above development.

Ausgrid has no objection to this development and has assessed this as a pre DA with consideration of the existing Ausgrid's infrastructure, particularly in relation to risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity and other matters that may impact on Ausgrid or the development.

Please note the following information in relation to the construction of the development:

**Supply Of Electricity**

We recommend engaging an electrical professional who knows how to design your connection and the type of connection to apply for. To apply for a connection the developer will need to visit Ausgrid's website <https://www.ausgrid.com.au/Connections/Get-connected>. An assessment will be carried out based on the information provided which may include whether or not the existing network can support the expected electrical load of the development.

Service and Installation Rules of New South Wales requires each lot within a subdivision to have a single separate supply, free of encroachment. If electricity supply to the Lot(s) is a consent condition, the developer is to apply for a Notice of Arrangements letter from Ausgrid at or near the completion of this work, via the following link: <https://www.ausgrid.com.au/Connections/special-connections/subdivisions>. In cases where electricity supply to the Lot(s) is a consent condition, plans must not be released by council without the Notice of Arrangements letter from Ausgrid

Please refer to Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au) for information regarding connecting to Ausgrid's network.



**Proximity to Existing Network Assets**

There are existing overhead electricity network assets in the Hue Hue and Digary Road footpath, adjacent to the development. Ausgrid also has a stay wire and pole located on Lot 437 DP 755242. Consideration will need to be given to remove these assets through the contestable process or a suitable easement to be created in favour of Ausgrid.

Workcover Code of Practice 2006 – Work Near Overhead Powerlines outlines the minimum safety separation requirements between these mains / poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction.

It is recommended that the developer should email Ausgrid at [resservicesupport@ausgrid.com.au](mailto:resservicesupport@ausgrid.com.au) with compliance issues regarding the relevant Workcover Code of Practice 2006 – Work Near Overhead Powerlines.

**Existing Electricity Easements**

A title search of the development site should be completed to check for existing electricity easements. If easements are present, Ausgrid must assess the proposed activity within the easement. Please direct the developer to Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au) to download our "Living with Electricity Easements" brochure.

Please do not hesitate to contact me if you require any further information or assistance.

Yours sincerely



**Damien Schweinberger**

**Engineering Officer**

Newcastle Design & Planning Portfolio

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**Ausgrid Reference: 2023/517/42**