

***Recommendations to the Development and Planning Standing Committee
Meeting***

Monday 11 November 2024

24DP017	Endorsement of Planning Proposal for 1377 Hue Hue Road, Wyee and adoption of amendment to the Wyee West Precinct Area Plan
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Key focus area	4. Diverse economy
Objective	4.3 Our growing population supports a thriving local economy
File	RZ/1/2022 - D11481827
Author	Strategic Planner - Mashal Moughal
Responsible manager	Manager Integrated Planning - Wes Hain
Previous items	23DP002 - Planning Proposal to rezone land from RU2 Rural Landscape to R2 Low Density Residential and C2 Environmental Conservation at 1377 Hue Hue Road Wyee and amendment to the Wyee West Precinct Area Plan - Development and Planning Standing Committee - 13 Feb 2023 6.30pm

Executive summary

Address	1377 Hue Hue Road, Wyee, Lot 437 DP 755242
Owner	Wyee Nominees Pty Ltd
Proponent	TOPA Property Pty Ltd

This report details the result of State agency and public consultation and seeks Council's endorsement to finalise the planning proposal (Attachment 2) and adopt the associated Development Control Plan (DCP) amendment to the Wyee West Area Plan (Attachment 3).

The planning proposal seeks to rezone part of 1377 Hue Hue Road, Wyee and part of the Digary Road reserve from RU2 Rural Landscape to R2 Low Density Residential and to realign the C2 Environmental Conservation zone boundary. The proposal also seeks to amend the minimum lot size to be consistent with surrounding R2 Low Density Residential zoned land.

An amendment is also required to the Wyee West Precinct Area Plan to include the subject site and facilitate future development and coordinate infrastructure delivery.

The planning proposal and the amendment to the Wyee West Area Plan were exhibited from 1 August to 28 August 2024 with three submissions received. A summary of the issues raised, and responses can be found in Attachment 1.

Recommendation

Council:

- A. notes the submissions received during the public exhibition (Attachment 1) and the outcomes of the State agency consultation,
- B. endorses the planning proposal (Attachment 2) to amend the *Lake Macquarie Local Environmental Plan 2014 (LMLEP)*,
- C. adopts the amendments to the Lake Macquarie Development Control Plan 2014 – Part 12 - Wyee West Precinct Area Plan (Attachment 3),
- D. finalises the amendment to the *LMLEP 2014* under delegation granted by the Minister for Planning and Public Spaces, pursuant to section 3.36 of the *Environmental Planning and Assessment Act 1979*, and
- E. notifies those who made a submission of Council's decision.

Context

The planning proposal, initiated by the proponent (TOPA Pty Ltd), applies to 1377 Hue Hue Road, Wyee and part of the Digary Road reserve. On 13 February 2023, Council resolved (23DP002) to progress the planning proposal and request Gateway Determination and publicly exhibit the proposal to rezone the site from RU2 Rural Landscape to R2 Low Density Residential, to realign the C2 Environmental Conservation zone boundary, and amend the Wyee West Precinct Area Plan.

The site adjoins part of the recently developed Radcliffe housing estate and is located close to services, shops and public transport. The site has an area of approximately 4.5ha with frontage to Hue Hue Road and Digary Road, as shown in Figure 1.



Figure 1: Subject site and context

Discussion

The planning proposal seeks to rezone part of 1377 Hue Hue Road, Wyee and part of the adjoining Digary Road reserve from RU2 Rural Landscape and C2 Environmental Conservation to R2 Low Density Residential (Figure 2). The land currently zoned RU2 Rural Landscape is mostly cleared and has historically been used for agricultural and rural residential purposes. The site currently contains two dwellings and associated structures, such as sheds and horse stables.

The planning proposal also seeks to change the minimum lot size from 20ha to 450m², consistent with the adjacent R2 residential zoned land. The height of buildings map will remain unchanged, as the current 8.5m height limit is consistent with the adjacent R2 residential zoned land. The Wyee West Precinct Area Plan needs to be amended to facilitate future development and coordinate infrastructure delivery on the site.

The land zoned C2 Environmental Conservation contains native vegetation as well as a small section of Mannering Creek flowing through the far southern corner of the site. The planning proposal will result in a minor realignment of the boundary between the C2 Environmental Conservation zoned land and the proposed R2 residential zoned land to ensure the biodiversity values of the site are conserved.

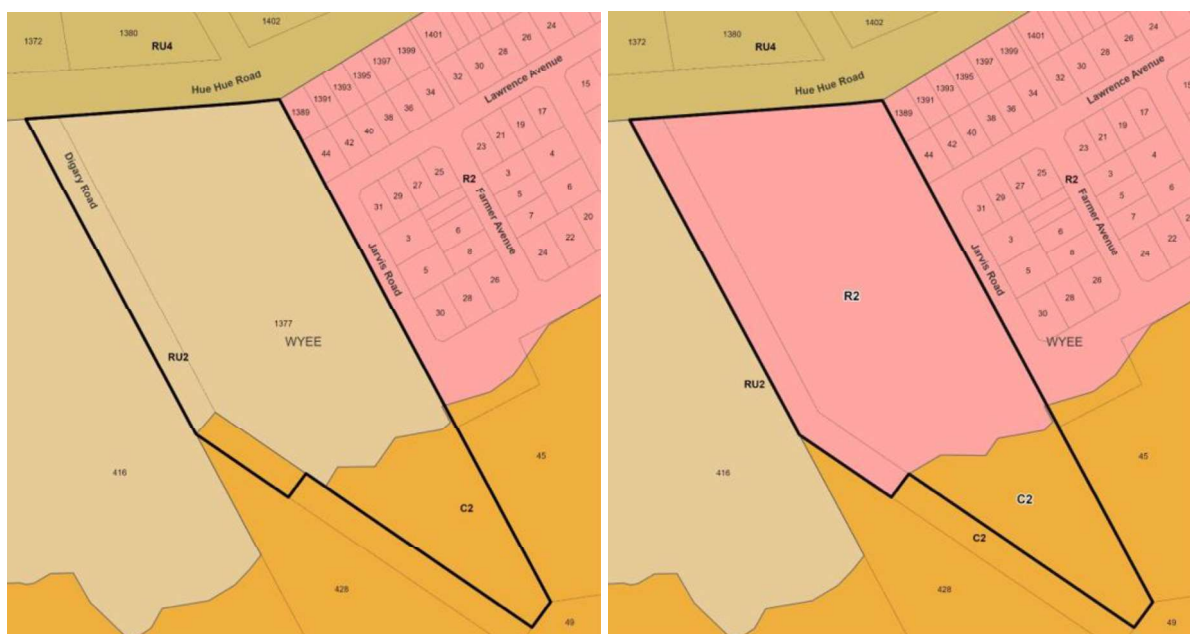


Figure 2: Existing (left) and proposed (right) zones

To resolve biodiversity impacts associated with the planning proposal and likely future development, a planning agreement (PA) has been drafted between the proponent, landowner and Council. The proposed PA provides for the rehabilitation of the C2 Environmental Conservation zoned land prior to its dedication to Council and payment of an endowment fund to Council for the management of the offset land in perpetuity. The PA is the subject of a separate Council report (24DP018) which provides more detail about the PA.

In addition to achieving a balanced environmental outcome, the planning proposal will also help achieve the housing targets for Lake Macquarie set by the NSW government as part of the National Housing Accord.

The Hunter Regional Plan 2041 identifies Morisset and its supporting centres of Cooranbong and Wyee as the largest future growth area in the Hunter. Wyee is well-located between the

main northern rail line and the M1 Motorway, which provides connections to key regional and metropolitan centres and associated jobs, health, education and recreation facilities.

The planning proposal and the amendment to the Wyee West Area Plan is consistent with the Lake Macquarie Local Strategic Planning Statement (LSPS) and broader strategic objectives of increasing supply of housing in identified growth areas. The planning proposal will contribute to addressing the current housing crisis while protecting ecological values.

The planning proposal will enable 40-50 residential lots to be created in proximity to the Wyee local centre and the Wyee train station, which provides access to a range of employment, services and facilities.

Community engagement and internal consultation

The planning proposal and the amendment to the Wyee West Precinct Area Plan were on public exhibition from 1 August to 28 August 2024 in accordance with the Gateway Determination. The planning proposal was exhibited on Council's Shape Lake Mac webpage and a total of three public submissions were received.

The main issues raised in the submissions included a lack of amenities, traffic related issues (congestion and noise) and impact on quality of life and the environment. The Wyee West Precinct Area Plan has been amended in response to a submission regarding noise and vibration impacts on future development from the M1 Motorway. A summary of all submissions and a response is presented in Attachment 1.

State agency consultation

Consultation was undertaken with State agencies in accordance with the Gateway Determination.

The Department of Primary Industries NSW (DPI) did not raise any objections, however they recommended that potential land use conflict (between rural and residential uses) be considered as part of any future development applications.

The NSW Rural Fire Service (RFS) initially raised concerns with the bushfire threat assessment. A revised bushfire report was prepared to the satisfaction of RFS who now have no objections to the proposal. The RFS advised that any future development applications for the site must demonstrate compliance with the relevant provisions of the *Planning for Bushfire Protection 2019*.

The Biodiversity Conservation and Science Division (BCS) initially raised concerns with the Integrated Water Management report that accompanied the planning proposal. An updated report was prepared to the satisfaction of BCS who now have no objections to the proposal.

Heritage NSW (HNSW) advised there were no identified items listed on the State Register that would be impacted by the planning proposal. HNSW noted that an Aboriginal Cultural Heritage Assessment Report was submitted as part of the planning proposal and raised no objections.

No objections were raised by Jemena, Hunter Water and Ausgrid.

Internal consultation

Staff from Asset Management, Property and Business Development, Environmental Systems, Development Assessment and Certification, and Community Partnerships departments provided input and advice during the assessment and preparation of the planning proposal.

Assessment of options

It is recommended that Council resolves to endorse the planning proposal and adopts the associated amendment to the Wyee West Area Plan. This will provide for much needed housing and infrastructure in this key growth area, consistent with the LSPS and the Hunter Regional Plan 2041.

Council could resolve not to proceed with the proposal. This is not recommended as the subject land has strategic and site-specific merit for future residential development and such a decision would impact the ability to meet the city's housing target set by the NSW government. Development consistent with the current RU2 Rural Landscape zone will continue to be permitted on the site if this option is pursued.

Next steps

If Council endorses the recommendation, the amendment to the *LMLEP 2014* for 1377 Hue Hue Road, Wyee will proceed through the finalisation stages. Once the amendment to the *LMLEP 2014* is finalised, the proponent can lodge a development application for a residential subdivision.

Key considerations

Economic

The planning proposal will provide for well-located residential development in an identified growth area which will encourage economic activity through construction related employment and ongoing investment in the local economy.

Environment

The planning proposal has been accompanied by technical reports that address environmental matters applicable to the site including biodiversity, water courses and stormwater management, flooding, contamination, heritage, bushfire, acid sulphate soils and geotechnical.

The planning proposal and the technical reports were also reviewed by relevant state agencies. The planning proposal complies with relevant Ministerial Directions and other relevant legislation and guidelines.

The biodiversity values within the C2 Environmental Conservation zone will be protected. This land will become a biodiversity offset site and dedicated to Council via an associated proposed planning agreement.

The loss of rural zoned land was considered by the NSW Department of Primary Industries and assessed to be of minor significance as the site was isolated from other rural land and constrained by the M1 Motorway and the conservation land to the south.

Any specific impacts of future residential development on surrounding by RU2 Rural Landscape and RU4 Primary Production Small Lot zoned land will be assessed at the development application stage.

The amended Wyee West Area Plan, along with the *LMLEP 2014*, contains provisions for vegetation management and other environmental matters (flooding, bushfire and water quality management) that will need to be considered by future development applications.

It is considered that the site is appropriate to accommodate future residential development.

Community

The planning proposal will provide further housing in an identified growth area close to Wyee local centre and Wyee train station that will provide access to a range of services (for example, health, jobs and education). The area plan amendment will ensure the coordinated delivery of infrastructure, such as roads, footpaths and stormwater, in the growth area.

Civic leadership

The planning proposal will assist Council in achieving the city's housing target set by the NSW government and is consistent with the strategic objectives in the LSPS and Hunter Regional Plan 2041.

Financial

The proponent has paid the relevant fees associated with progressing the planning proposal in accordance with Council's fees and charges.

Infrastructure

Future development on the site will provide typical infrastructure and utilities provided in new residential subdivisions (for example, roads, drainage, water, power, sewer and footpaths). Future development will also be levied development contributions in accordance with the relevant development contributions plan which will be used to deliver local infrastructure such as parks and playgrounds, sporting facilities, local traffic upgrades and shared paths.

The proposed amendment to the Wyee West Area Plan ensures the coordinated delivery of infrastructure.

Compliance

The risks associated with preparing a planning proposal and requesting finalisation of the planning proposal are minimised by following the process outlined in the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021* and Council's procedures.

Legislative and policy considerations

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

Lake Macquarie Local Environmental Plan 2014

Hunter Regional Plan 2041

Greater Newcastle Metropolitan Plan 2036

Lake Macquarie Local Strategic Planning Statement

Lake Macquarie Development Control Plan 2014

Lake Macquarie Housing Strategy

Attachments

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| 1. Summary of submissions | D11687647 |
| 2. Planning Proposal - 1377 Hue Hue Road Wyee | D11217465 |
| 3. Amendment to Lake Macquarie Development Control Plan 2014 - Wyee West Precinct Area Plan - Summary of changes | D10935814 |

Summary of submissions – public exhibition of planning proposal for 1377 Hue Hue Road, Wyee and amendment to Wyee West Precinct Area Plan

Council received three submissions which are summarised below, along with a Council staff response.

Submission	Summary of Submission	Council Response
Resident from Wyee	Submitter objects to the proposal because of the lack of facilities and services delivered by the Radcliff Estate developer.	<p>This proposal is separate from the Radcliff Estate development. The required infrastructure and facilities for this proposal will be assessed and determined through the development application (DA) process. Infrastructure like roads, drainage, water, power, sewer and footpaths will be required to be provided by the developer of this land as part of the DA process. Other community facilities to be provided are identified in the Morisset Catchment Development Contributions Plan. The developer will pay relevant development contributions as part of the DA process.</p> <p>The amendment to the Wyee West Precinct Area Plan identifies and ensures the coordinated delivery of infrastructure required by the anticipated future development of the site.</p> <p>Outcome: No change to the planning proposal and area plan amendment.</p>
Resident from Wyee	<p>Submitter objects to the proposal because of the lack of facilities and services delivered by the Radcliff Estate developer.</p> <p>The current lack of facilities and infrastructure like roads is leading to congestion and more housing could lead to more traffic issues.</p> <p>Further development will impact the environment and the quality of life and the semi-rural character of the area.</p> <p>Recommended that other areas like Jilliby be considered for residential subdivision.</p>	<p>As noted above, this proposal is separate from the Radcliff Estate development and any infrastructure required for this development, such as roads, drainage, water, power, sewer and footpaths, will be provided as part of the development.</p> <p>The Traffic Impact Assessment prepared for the planning proposal concluded that the vehicle trips generated by a future residential development on the site are able to be accommodated within the existing road network without the need for road widening or intersection upgrades. Further assessment of traffic impacts will be undertaken at the development application stage.</p> <p>Other facilities required for the area are identified in the Morisset Catchment Development Contributions Plan and will be delivered by</p>

		<p>Council based on development thresholds being met and in accordance with Council's Delivery Program and Operational Plan priorities.</p> <p>The planning proposal is consistent with the strategic direction outlined in the Local Strategic Planning Statement, which identifies Wyee for urban intensification as part of a growth area.</p> <p>The amendment to the Wyee West Precinct Area Plan will guide future development on the site to ensure it is consistent with the surrounding and desired future built form and character.</p> <p>The planning proposal has addressed environmental impacts and is informed by a Biodiversity and Riparian Assessment. The planning proposal and associated biodiversity assessments have been reviewed by the NSW Government's Biodiversity Conservation Division.</p> <p>A planning agreement has been prepared to provide offsets for the loss of some vegetation on the site and to ensure the long-term protection of conservation land. The planning agreement requires the rehabilitation and management of conservation land for 10 years before it is dedicated to Council for management and protection.</p> <p>The recommendation to provide residential development at Jiliby is not part of this proposal. Jiliby is located within the Central Coast Council Local Government Area and would need to be the subject of a separate proposal from the owner of that land.</p> <p>Outcome: No change to the planning proposal and area plan amendment.</p>
Resident from Wyee	<p>Submitter is concerned that the planning proposal does not consider the proximity of any future development to the M1 Motorway and that future development will be exposed to traffic noise.</p> <p>Submitter also wants to know who will be responsible for building a noise barrier if this residential area was to be built in the future.</p>	<p>A Noise and Vibration Assessment was prepared for the planning proposal, which concludes that noise and vibration levels for the site are below acceptable limits. The assessment also states that future dwellings on the lots would be able to comply with noise criteria contained in relevant standards and that only minor upgrades of the facades on the northern and western-most lots may be required.</p> <p>Potential traffic noise impacts on future development will be further considered at the development application stage.</p> <p>Outcome: A development control about noise and vibration has been added to the Wyee West Area Plan amendment to require applications</p>

		for development on the northern and western boundaries of the site to be accompanied by an acoustic report and vibration study. The development control also requires a development application to demonstrate how any required noise or vibration mitigation measures will be implemented.
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