

Planning Proposal

Watagan Park Town Centre

Summa	ry	Details			
Name of	f draft LEP:	Watagan F	Park Town Centre		
Subject land:		Part of Lot 8450 DP 1250919, 35 McCullough St Cooranbong Part of Lot 942 DP 1279622, 35 Maguire Drive Cooranbong Part of Lot 115 DP 1270571, 41 Maguire Drive Cooranbong Part of Lot 939 DP 1279622, 11 Maguire Drive Cooranbong Part road reserve Maguire Drive Cooranbong			
Propone	ent:	Johnson F	Property Group		
Landow	ner:	Australasia	an Conference Association	Limited	
Planning referenc		PP-2022-3152			
Council	reference:	RZ/2/2022			
Version	:	3 – Exhibition			
Date:		June 2023			
Author:		Senior Strategic Planner – Joanne Dunkerley			
Attachm	nents	1. Assessment of Hunter Regional Plan 2041 Strategies			
	ting studies	Study Nam	e	Author	Date
(not atta	ached)	Strategic B	ush Fire Study (V2 Final)	MJD Environmental	August 2022
		Supplemen	t of Contamination tary Per- and Poly-fluoroalkyl s (PFAS) Assessment	EP Risk	28 July 2022
		Summary o	f Contamination Status		30 May 2023
		Traffic Advice on Planning Proposal of Proposed Increased Lot Yield Supplementary Traffic Advice for Watagan Park Town Centre Planning Proposal at 35 McCullough Street Cooranbong		McLaren Traffic Engineering	22 February 2022 25 July 2022
		Watagan P Design Rep	ark Planning Proposal Urban oort Issue 2	Allen Jack + Cottier	29 August 2022
Version	Author	Date	Details		
1	JD	13/01/2023	Endorsement by Council for Gate	vay Determination	
2	JD	May 2023	Address Gateway Conditions		
		June 2023	Exhibition		



Contents

Part 1 – Objectives and intended outcomes	3
Part 2 – Explanation of provisions	3
Part 3 – Justification of strategic and site-specific merit	5
Section A – need for the planning proposal	5
Section B – relationship to the strategic planning framework	5
Section C – environmental, social and environmental impact	. 12
Section D – Infrastructure (Local, State and Commonwealth)	. 14
Section E – State and Commonwealth interests	. 15
Part 4 – Mapping	. 18
Map 1 – Locality	. 18
Map 2 – Aerial photo	. 19
Map 3 – Existing Land Use Zone	. 20
Map 4 – Proposed Land Use Zone	. 21
Map 5 – Existing Height of Buildings	. 22
Map 6 – Proposed Height of Buildings	. 23
Map 7 - Existing Minimum Lot Size	. 24
Map 8 – Proposed Minimum Lot Size	. 25
Part 5 – Community Consultation	. 26
Part 6 – Project Timeline	. 26



Part 1 – Objectives and intended outcomes

Objective

To amend the *Lake Macquarie Local Environmental Plan 2014* to enable a diversity of housing types and densities within the Watagan Park town centre and to reflect the location of approved parks, surrounding roads and the development pattern.

Intended outcomes

- Enable a mix of dwelling densities and dwelling types within the Watagan Park local centre.
- Enable increased density in areas with good amenity and walkable access to facilities and services.
- Contribute to the viability and vibrancy of the local centre by increasing the population density within a walkable catchment.
- Ensure zone boundaries and associated development standards reflect the approved park locations, road pattern and surrounding development interfaces.
- Support good quality urban design outcomes with appropriate transitions between areas of higher density and the surrounding low density residential areas.
- Ensure the additional population growth can be accommodated within the existing planned capacity of the road network, community and recreation facilities.

Part 2 – Explanation of provisions

- 1. Amend the Land Zoning Map to:
 - a. adjust the RE1 public open space zone to reflect the agreed location and extent of the neighbourhood and local parks;
 - b. align the surrounding R2 Low Density Residential zone and R3 Medium Density Residential zone boundaries to reflect the boundaries of the approved parks, roads and development pattern.



Figure 1: Existing and proposed land use zones map



- 2. Amend the Height of Buildings Map to:
 - a. Update the maximum height of buildings to be consistent with the adjusted land use zone boundaries.
 - Increase the maximum height of buildings in part of the R3 zone from 10m to 23m
 - c. Increase the maximum permitted building height in the MU1 Mixed Use Zone from 13m to 23m.



Figure 2: Existing and proposed height of buildings map

3. Amend the Minimum Lot size map to be consistent with the adjusted land use zone boundaries.



Figure 3: Existing and proposed minimum lot size map



Part 3 – Justification of strategic and site-specific merit

No. Question	Considerations
Section A – need for	or the planning proposal
1 Is the planning proposal a result of an endorsed LSPS, strategic study or report?	The planning proposal is not the result of any specific action within the Lake Macquarie Local Strategic Planning Statement (LSPS), a strategic study or report. However, it is consistent with the LSPS planning priorities to provide mixed use centres and greater housing diversity.
2. Is the planning proposal the	Yes, the planning proposal is considered the best means of achieving the objectives and intended outcomes.
best means of achieving the	Alternative approaches:
objectives or intended outcomes, or is	 Retain existing zone boundaries and development standards and rely on variations using clause 4.6 of LMLEP 2014.
there a better way?	The zone changes are minor and ensure zones align with the existing development pattern, approved public parks and the future urban design concepts for the town centre. If zone boundaries are not aligned to these features, some sites will have split land use zones which will add unnecessary complexity at the development assessment stage.
	Clause 4.6 of LMLEP provides flexibility for certain development standards, such as maximum height of buildings, to achieve better outcomes for and from development. Reliance on Clause 4.6 to consider variations to building heights in individual development applications would not be the best means of achieving the objectives and intended outcomes as it would create uncertainty regarding the intended outcomes.
	Additional local provisions
	The changes to land use zones and development standards are not unique circumstances that warrant the addition of specific local provisions. The urban design outcomes sought can be achieved using standard zones and development standards and will offer greater transparency than adding a site specific local provision.
Section B – relatio	nship to the strategic planning framework
3 Will the planning proposal give	Yes, the proposal will give effect to the objectives and actions of the Hunter Regional Plan 2041, and the Greater Newcastle Metropolitan Plan 2036.



No. Question	Considerations
effect to the	Hunter Regional Plan 2041 (HRP 2041)
objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	The HRP 2041 builds on the previous plan and resets the regional plan priorities to ensure it continues to respond to the region's needs for the next 20 years. The HRP 2041 contains nine objectives and identities strategies to achieve the objective. A planning proposal must be consistent with an identified strategy or demonstrate how the relevant performance outcomes will be achieved. Attachment 1 contains an assessment of the planning proposal against these The objectives relevant to this planning proposal are:
	Objective 3: Create a 15-minute region made up of mixed, multi- modal, inclusive and vibrant local communities.
	Strategies for achieving this objective do not relate to this planning proposal to increase building heights in the town centre. The existing neighbourhood and local centres meet this criteria. However, this proposal is consistent with this objective because it will enable a greater housing density and diversity and support the vibrancy and economic sustainability of the town centre.
	Objective 5: Plan for nimble neighbourhoods, diverse housing and sequenced development
	Strategies for achieving this objective do not relate to this planning proposal to increase building heights in the town centre. However, the proposal is consistent with this objective because it will enable greater housing density and diversity within the proposed town centre. This will support a wider range of income levels, household types and life stages to support the creation of a diverse community.
	Greater Newcastle Metropolitan Plan 2036 (GNMP 2036)
	The site is located within the 'metro frame' of the Greater Newcastle Metropolitan area and is identified as a housing release area. The planning proposal is consistent with the strategies and actions of the GNMP 2036.





Figure 4: Greater Newcastle Metropolitan Plan Vision Plan

4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan

Lake Macquarie LSPS

The planning proposal is consistent with the endorsed Lake Macquarie LSPS. The planning goal for Lake Macquarie City is to be one of the most productive, adaptable, sustainable and liveable places in Australia and this is envisioned as:

- The City's economic centres will anchor the areas where we will activate significant change.
- There will be a greater variety of housing types across the City to accommodate a growing population and meet the needs of diverse demographics.
- Our centres and their surrounds will be more pedestrian friendly and encourage the use of active transport such as walking and cycling as the preferred way to move around the City.
- An abundance of high quality indoor and outdoor spaces to connect with others, enjoy nature, relax or get active.

This proposal is consistent with this vision and the associated planning priorities as it will enable greater diversity of housing types in a pedestrian friendly centre within the South-west growth area.







N	o. Question	Considerations
	studies or strategies?	specifically addressed by the proposal it will be influenced by the supply and diversity of housing that can be developed within the town centre.
6	Is the planning proposal consistent with applicable	The following State Environmental Planning Policies are applicable to the planning proposal:
	State	SEPP (Biodiversity and Conservation) 2021
Plan Polic	Environmental Planning Policies (SEPPs)?	Chapter 6 - Bushland in Urban Areas applies to the land that is the subject of this planning proposal. The proposal is consistent with the aims of this SEPP as the proposal relates to land that is already zoned for urban development and the proposed changes to zone boundaries and building heights will not impact urban bushland.
		SEPP (Housing) 2021
		While this SEPP does not include any specific provisions relevant to this planning proposal, the proposal does align with the SEPPs principles of enabling housing diversity, housing with a reasonable level of amenity, and reinforcing the importance of designing housing that reflects and enhances its locality.
		SEPP 65 – Design Quality of Residential Apartment Development
		While this SEPP does not include any specific provisions relevant to this planning proposal, the increased permissible height of buildings will enable residential apartment development. Future development in this location will be capable of compliance with the SEPP.
		SEPP (Resilience and Hazards) 2021
		Chapter 4 Remediation of Land applies to the land that is the subject of this planning proposal, as parts of the site have previously been identified as potentially contaminated land.
		While this chapter does not include and specific provisions relevant to this planning proposal, preliminary investigations have been undertaken which demonstrate the site is suitable for the development that would be enabled by the planning proposal.



No.	Question	Considerations
		SEPP (Transport and Infrastructure) 2021
		While the SEPP does not include any specific provisions relevent to this planning proposal, the type and density of some development facilitated by this proposal is likely to be classsified as 'traffic generating development' and require assessment and referral to Transport for NSW (TfNSW) under the provisions in Chapter 2 of this SEPP.
		TfNSW reviewed the scoping proposal during the pre-lodgement stage of this process and provided comments in relation to traffic and road impacts. These comments are discussed in in question 12 of this planning proposal.
		Traffic advice has been prepared by McLaren Traffic Engineering. This advice demonstrates that intersection upgrades already required as part of the exisitng approvals and planning agreements will be sufficient to cater for the likely increase in traffic associated with the development facilitated by this proposal.
7 ls	the planning	1.1 Implementation of Regional Plans
7 Is the plannin proposal consistent wi the applicable Ministerial Directions	oposal onsistent with e applicable inisterial	The planning proposal is consistent with the Hunter Regional Plan 2036 and the draft Hunter Regional Plan 2041 as detailed in Section B3 of this planning proposal.
•	(section 9.1 Directions)?	1.3 Approval and Referral Requirements
		The planning proposal is consistent with this direction as it does not include any provisions that require concurrence of or referral to a Minister or public authority and does not identify development as designated development.
		1.4 Site Specific Provisions
		The planning proposal is consistent with this direction as it does not include restrictive site specific planning controls.
		3.2 Heritage Conservation
		The planning proposal is consistent with this direction as the proposal does not impact on any land outside of the that already approved for urban development.



4.3 Planning for Bushfire Protection

The site is mapped as bushfire-prone land and a strategic bushfire assessment has been prepared by MJ D Environmental in accordance with the requirements of Planning for Bushfire Protection 2019. The report considers bushfire risk at the macroscale, considers firefighting access and evacuation potential as well as traffic volumes and evacuation routes. The strategic assessment has determined that the site does not exhibit any significant features that would make it more likely to experience a bushfire of undue severity or intensity. The report conscludes tha the proposal is appropriate to the site and surrounding landscape and that future development can be undertaken consistent with Planning for Bushfire Protection 2019.

The planning proposal is consistent with this Direction as the NSW Rural Fire Service does not object to the proposal.

4.4 Remediation of Contaminated Land

The land subject to this planning proposal has previously been identified as potentially contaminated due to historic uses. A Preliminary Contamination Assessment was undertaken by EP Risk in 2017 to support development applications for development of parts of the site. EP Risk prepared a supplementary report to consider potential contamination activities since the original investigations and determine any risk related to Per and Polyfluoralkyl (PFAS) contamination.

The report confirms that the contamination risk is low. As such any remediation can be addressed through the development application process.

The planning proposal is consistent with this direction.

5.1 Integrating Land Use and Transport

The planning proposal is consistent with this direction as it provides housing close to shops and services and promotes a walkable neightbourhood. Increasing the number of people living in the town centre will in turn support the viability and efficiency of public transport services.

5.2 Reserving Land for Public Purposes

The planning proposal is consistent with this direction as it incorporates minor adjustments to the RE1 Public Recreation zone boundaries to align with the approved public parks.



No. Question Considerations 6.1 Residential Zones

The planning proposal is consistent with this direction because the proposed changes will enable a broad range of building types and sizes in an existing urban area. This will also enable the more efficient use of existing infrastructure and services.

A small area of land within Area 2 is proposed to be rezoned from R3 Medium Density Residential to R2 Low Density Residential. This inconsistency is of minor significance as the approved road and lot layout would likely result in this area being developed only for single residential dwellings and overall the planning proposal will improve dwelling yield and density. The DPE are satisfied the inconsistency is of minor significance.



Figure 6: Area proposed to be rezoned from R3 Medium Density Residential to R2 Low Density Residential

7.1 Business and Industrial Zones

The planning proposal is consistent with this direction as it retains the existing employment zones and does not reduce the total potential floor space for employment uses.

Section C – environmental, social and environmental impact



No. Question	Considerations
8 Is there any likelihood that critical habitat or threatened species, populations or	The planning proposal relates to land that has already been approved for urban development under a 2008 State Concept Approval (MP 07_0147). Clearing of land and biodiversity impacts have been assessed through that process and subsequent development approvals.
ecological communities, or their habitats, will be adversely affected	A Clause 34A Certification Order under the <i>Biodiversity</i> <i>Conservation (Savings and Transitional) Regulation 2017</i> has been issued by the State government. This certification confirms that biodiversity impacts and offsets have been assessed and approved and that no further biodiversity assessment or approvals are necessary.
because of the proposal?	As such the planning proposal will not adversely affect critical habitat or threatened species, populations or ecological communities or their habitats.
9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	There are no other environmental effects than those already addressed in sections A and B of this planning proposal.
10Has the planning proposal adequately	The planning proposal has adequately considered social and economic impacts. Overall the positive social and economic impacts as a result of the planning proposal outweigh the negative impacts. Social and economic benefits include:
addressed any social and economic effects?	• The planning proposal will enable more diverse housing types, including residential apartments and townhouses in an area dominated by single detached dwellings. This supports a more diverse community as a variety of housing types will cater for a wider range of income levels, household types and life stages.
	 Additional population will contribute to the economic sustainability of the businesses within the town centre.
	 A more diverse and larger population may contribute to the social capital of the area through volunteering and other community service activities.
	 Potential to increase the number of local jobs generated during construction and ongoing jobs within the local businesses as well as associated multiplier effects.
	• Additional space for deep soil planting will significantly improve the amenity of the area with more tree canopy cover supporting urban cooling.



No. Question	Considerations				
Section D – Infrast	ructure (Local, State a	nd Commoi	nwealth)		
11 Is there adequate	Yes there is adequate public infrastructure to support the ex population likely to be generated by the proposal.				
public infrastructure for the planning proposal?	The development of Watagan Park is subject to the provision of local infrastructure described within the Deed Amending the Planning Agreement (North Cooranbong) negotiated between Council and the Developer in March 2021. Infrastructure to be provided by the Developer includes 2 local parks, a neighbourhood park, sports facility and dog exercise area, town common neighbourhood park and sports facility, multi-courts, multipurpose centre, shared pathways and road intersection upgrades. The site is also subject to a separate planning agreement with the State government for contributions towards road intersection upgrades.				
	Although the original of Estates does not speci Environmental Assess residential lot yield of local infrastructure red agreement, while the s residential lot yield of	ify a resider ment Repor 2500. This fi juirements s State planni	ntial yield, the Direct t (December 2008) gure has been used pecified within the l	tor-Generals anticipated a d to calculate ocal planning	
	A population estimate under the local planning agreement has been calculated using the 2500 dwellings / lots with the Morisset Contributions Plan occupancy rate of 3.07 persons/lot, resulting in an estimated population of 7675.				
	Using yield and mix as Report and the associ rates, this planning pro 487 dwellings and incu (eight per cent) persor 8,300.	ated Moriss oposal is est rease the po	et Contributions Pla timated to facilitate a pulation by aproxim	n occupancy an additional nately 625	
	Component	Number	Occupancy Rate	Population	
	Dwelling / Lot (R2)	1868	3.07	5735	
	Dwelling /Lot (R3)	127	3.07	390	
	1 – 2 Bed unit	476	1.72	820	
	3 Bed unit	516	2.62	1352	
	Total	2987		8297	

Traffic modelling has been undertaken which demonstrates that the road network (upgraded in accordance with the works committed to within the local and state planning agreements) is



No. Question	Considerations
	capable of supporting the additional traffic generated as a result of this planning proposal.
	The additional population will increase demand for facilities and services. However, the additional population is not so great that it will create the need for additional facilities beyond that planned within the Morisset Catchment Contributions Plan. Payment of contributions at development application stage will be sufficient to support the projected population increase.
	The State planning agreement requires the transfer of land for education purposes and cash contributions towards the provision of roads and other infrastructure based on a set rate per net developable area rather than dwelling yield. The DPE has confirmed that this planning proposal will not affect the contributions required under the planning agreement with the State.
	Public utility services are available and being extended with each stage of the development. Water and sewerage infrastucture is provided by a private utility provider – Altogether for Water. Consultation with utility providers will be undertaken after the Gateway Determination.
Section E – State	and Commonwealth interests

12 What are the views of state and federal authorities and government agencies consulted in order to inform	Council consulted with State agencies and authorities in the pre- lodgement stage of the LEP Making Process. Further consultation has been undertaken with Transport for NSW and the NSW Rural Fire Service in accordance with the conditions of the Gateway Determination. The advice of each Agency is summarised as follows:
the Gateway	NSW Environment Protection Authority (EPA)
determination?	The EPA had no comments to make on the proposal and follow up consultation is not required.
	NSW Department of Planning & Environment – Biodiversity Conservation Division (BCD)
	BCD confirmed that the proposal is consistent with the development detailed in the Clause 34A Certification Order granted under the <i>Biodiversity Conservation (Savings and Transitional) Regulation 2017.</i> As such no further biodiversity assessment is necessary.



No.	Question	Considerations
		Transport for NSW (TfNSW)
		At the pre-loddgment stage TfNSW raised the issue of intersection capacity at the Freemans Drive / Patrick Drive signalised intersection and suggested Council may wish to review developer contributions towards the Mandalong Road / Freemans Drive / Dora Street / Wyee Road intersection.
		Updated traffic modelling has been undertaken by McClaren to consider the potential increase in population resulting from this proposal. The traffic modelling has been reviewed by Councils traffic engineer and confirms that the intersection will perform with acceptable levels of service beyond the 10-year planning horizon.
		State and Federal Governments have committed funding for the construction of relevant intersection upgrade works. This funding together with the contributions that will be collected through the existing Planning Agreement will be sufficient and there is no need to review the Planning Agreement.
		At the post-Gateway referral stage TfNSW has requested further updated modelling to enable a full assessment of the traffic implications on nearby State road network. This is currently being prepared to enable further discussion with TfNSW, prior to finalisation of the planning proposal.
		NSW Rural Fire Service (RFS)
		The RFS advised that a bushfire risk assessment report should be provided which addresses the requirements of <i>Planning for Bush Fire Protection 2019</i> (PBP).
		A Strategic Bush Fire Study has been undertaken by MJD Environmental in accordance with the requirements of the PBP 2019. The Study concludes that the site does not exhibit any significant features that would make it more likely to experience a bushfire of undue severity or intensity. The potential impact on life and property of the site is not worsened by the context of the broader surrounding landscape in which it is situated.
		The proposed land use is appropriate to the site and surrounding landscape. The RFS has reviewed the Stategic Bush Fire Study and does not object to the planning proposal.
		Schools Infrastructure NSW (SI NSW)
		SI NSW advise that the growth stemming from the North Cooranbong Urban Release Area will result in demand for additional educational infrastructure. This growth supports the future dedication of a school site which is provided for within the State Planning Agreement.



No.	Question	Considerations
		SI NSW also requested that the consideration be given to how to encourage walkability from the uplift areas to the future school site with regard to the Movement and Place Framework. In this regard, the two areas identified for greater density are within 400m of the agreed school site and will be connected via footpaths which will enable walkability.
		NSW Department of Planning and Environment – Central Coast and Hunter Region (DPE)
		DPE note that the proposal represents an evolution of the planning framework for the Watagan Park locality and that is broadly aligns with the strategic framework in the <i>Hunter Regional Plan 2036</i> and the <i>Greater Newcastle Metropolitan Plan 2036</i> .
		DPE also advised that the proposal demonstrates consistency with the following objectives of the draft Hunter Regional Plan 2041:
		 Objective 3 – Create 15-minute region made up of mixed, multi modal, inclusive and vibrant communities
		 Objective 4 – Plan for nimble neighbourhoods, diverse housing and sequenced development
		 Objective 5 – Increase green infrastructure and quality public spaces and improve natural environment
		 Objective 6 – Reach net zero and increase resilience and sustainable infrastructure.



Part 4 – Mapping

Map 1 – Locality





Map 2 – Aerial photo





Map 3 – Existing Land Use Zone





Map 4 – Proposed Land Use Zone





Map 5 – Existing Height of Buildings







Map 6 – Proposed Height of Buildings



Map 7 - Existing Lot Size





Map 8 – Proposed Lot Size





Part 5 – Community Consultation

The planning proposal will be exhibited in accordance with the Lake Macquarie Community Participation Plan and the Gateway determination. It is recommended that the planning proposal be exhibited for 28 days.

Part 6 – Project Timeline

Stage	Timeframe and / or date
Gateway determination	8 May 2023
Post-Gateway review / pre-exhibition	50 working days
Public exhibition period	28 Days
Response to submissions	10 working days
Post-exhibition evaluation	10 working days
Resolution for finalisation	55 working days
Submission to Department for finalisation (where applicable)	10 working days
Gazettal of LEP Amendment	45 working days