

23SP091	Exhibition of Planning Proposal - 130 Munibung Road, Boolaroo - C2 Environmental Conservation to R2 Low Density Residential
----------------	---

Key focus area	4. Diverse economy
Objective	4.5 New development and growth complement our unique character and sense of place, now and into the future
File	RZ/3/2022 - D11050804
Author	Strategic Landuse Planning Coordinator - Iain Moore
Responsible manager	Manager Integrated Planning - Wes Hain

Address	Part of 130 Munibung Road and part of 30 Mackenzie Parade, Boolaroo
Landowner	Greencapital Weemala Pty Ltd
Proponent	Hunter Development Brokerage Pty Ltd

Executive summary

This report recommends progressing a planning proposal to amend the *Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)* by rezoning part of 130 Munibung Road and part of 30 Mackenzie Parade, Boolaroo from zone C2 Environmental Conservation to zone R2 Low Density Residential to facilitate residential development (see Attachment 1).

The site adjoins existing residential zoned land within the former Pasminco site at Boolaroo and is located close to services, shops and public transport. The land has an area of approximately 1.6 hectares, is located on the slopes of Munibung Hill, and could potentially accommodate up to 22 residential lots.

Recommendation

Council:

- A. requests a Gateway Determination from the Department of Planning and Environment, pursuant to the *Environmental Planning and Assessment Act 1979*, in relation to the planning proposal in Attachment 1,
- B. requests the use of delegations in respect of the Minister for Planning and Homes plan making function under section 3.36 of the *Environmental Planning and Assessment Act 1979* for the planning proposal,
- C. undertakes consultation with State Government agencies, service authorities and traditional owners in accordance with the Gateway Determination,
- D. places the planning proposal on exhibition, subject to the outcome of the Gateway Determination,
- E. notifies stakeholders and affected landowners of the public exhibition period as required, and
- F. receives a further report on the planning proposal following public exhibition.

Context

The planning proposal relates to land at 130 Munibung Road and 30 Mackenzie Parade, Boolaroo. The subject land is on the slopes of Munibung Hill, has an area of 1.6 hectares, contains two drainage lines and is cleared of native vegetation.



Figure 1 – Location of subject land

Historically, the topography, visual prominence and potential of the subject land to act as an ecological link have resulted in the land being zoned C2 Environmental Conservation. Land to the north, west and south of the subject land, with similar elevations and topography, is zoned for low density residential development and is part of the Weemala Residential Estate which is being progressively developed.

The site is also located in Lake Macquarie's North West Catalyst Area which is an area identified for urban intensification in regional and local strategic plans.

Adjoining land to the east is located on the upper slopes of Munibung Hill and is zoned C2 Environmental Conservation. This land forms an ecological corridor that connects Munibung Hill to a bushland reserve along the ridgeline and provides a visual buffer between residential development on the former Pasminco site and the Macquarie Hills residential estate.

The subject land was remediated following closure of the Pasminco Smelter and Incitec Fertiliser business. Consistent with Site Audit Statement GN 416-12, the subject land is deemed suitable for residential uses. Remediation works undertaken on the site effectively removed any biodiversity values associated with the site.

Discussion

A Council resolution is needed to progress the planning proposal and request a Gateway Determination from the NSW Department of Planning and Environment to rezone the subject land from C2 Environmental Conservation to R2 Low Density Residential, as shown in Figure 2.

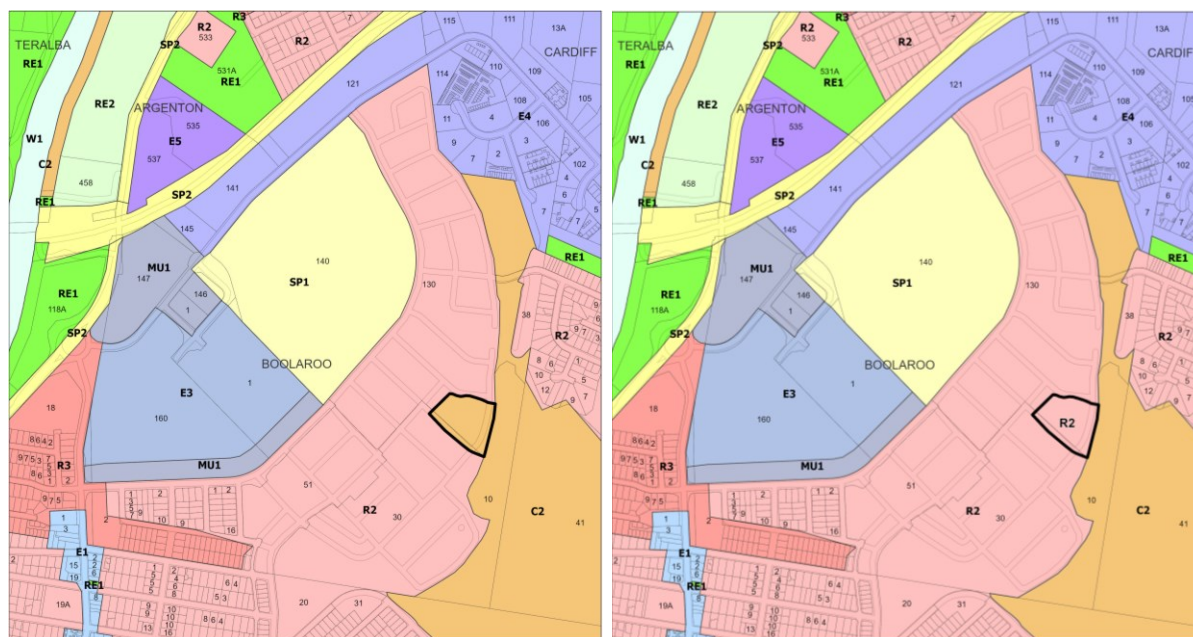


Figure 2 – Existing (left) and proposed (right) zones

The subject land has undergone extensive excavation as part of the remediation process. As a result, the extent of native vegetation on the land is highly degraded. There is no tree cover and no biodiversity values within the site. Due to surrounding ongoing development, the subject land is also no longer required as a key link in a vegetation corridor. If the land remains zoned C2 Environmental Conservation, in time, vegetation may be restored on the site, but this would require re-vegetation and/or rehabilitation. There are no requirements for re-vegetation or rehabilitation in any current development consent relating to the land.

A geotechnical assessment indicates the risk of slope instability on the subject land is low, provided future development is undertaken in accordance with good hillside construction practice and specific recommendations provided in the geotechnical report. The assessment acknowledges there may be extensive future cuts on the site and makes recommendations as to the treatment of these. The geotechnical assessment concludes “the site is considered suitable for the proposed residential development from a geotechnical perspective”.

A Visual Impact Assessment acknowledges the subject land can be observed from a distance, however, the Visual Impact Assessment concludes the visual impact of any future residential development on the subject land will be minor to moderate. Future development on the site would be substantially screened from view due to the already approved future adjoining residential development and the undulating topography in the vicinity of the site. This includes partial screening from distant views by the containment cell to the west of the site.

A Site Audit Statement (SAS) GN 416-12 has been issued for the subject site and surrounds. The SAS certifies the site is suitable for the following uses:

- residential
- day care, pre school and primary school
- secondary school
- park, recreation open space and playing field
- commercial/industrial.

The planning proposal is consistent with the goals of the Lake Macquarie Local Strategic Planning Statement and Housing Strategy, as it will facilitate housing within close proximity to existing infrastructure and services within the Lake Macquarie North West Catalyst Area. Additional population within the walkable catchment of Boolaroo will contribute to its vibrancy and enhance liveability for residents, while also contributing to the financial sustainability of local businesses. A residential zone would be consistent with the surrounding residential zoned land to the west, north and south.

Community engagement and internal consultation

Council consulted with the following State agencies and authorities in the pre-lodgement stage of this planning proposal:

- NSW Environment Protection Authority
- Department of Planning and Environment – Biodiversity and Conservation Division
- NSW Rural Fire Service
- Hunter Water Corporation
- Subsidence Advisory NSW
- Natural Resource Assets Regulator – Water
- NSW Department of Planning and Environment – Hunter Region.

Advice from these agencies has been considered in preparing the planning proposal.

Internal consultation was undertaken with Development Assessment and Certification, Asset Management, Environmental Systems, Integrated Planning and Community Partnerships departments. Advice received has been considered and addressed in the planning proposal.

If Council resolves to proceed, further consultation with State agencies and public exhibition will be undertaken in accordance with the Gateway Determination and Council's Community Participation Plan.

Assessment of options

The planning proposal aligns with Council's strategic planning goals to create vibrant centres, focus development close to existing centres and increase housing diversity. The planning proposal is considered to be the best means of achieving the desired outcomes. Public exhibition of the planning proposal will enable stakeholders to review and provide feedback on the proposed amendments.

Alternatively, Council can choose not to proceed with the planning proposal. This would be contrary to the housing goals outlined in the Lake Macquarie Local Strategic Planning Statement and Housing Strategy. This is not the recommended option.

Key considerations

Economic

The planning proposal is anticipated to have positive economic impacts, including through construction-related employment opportunities and ongoing investment in the local economy and viability of local businesses. The recommendation will facilitate the delivery of residential development in Boolaroo.

Environment

Environmental planning matters such as biodiversity, bushfire, slope stability, visual impact and contamination have been addressed in the planning proposal. The subject site has been remediated and the Site Audit Statement GN 416-12 certifies the site is suitable for residential uses. Remediation of the site has resulted in the land having no biodiversity values.

The geotechnical slope risk assessment indicates a residential zone is suitable, provided future development is undertaken in accordance with good hillside construction practice and specific recommendations provided in the geotechnical report.

The visual impact assessment shows the impact of any residential development on the subject land will be minimal.

Based on an analysis of these matters, the proposed residential zone is suitable for the site. The planning proposal will facilitate residential development that will have minimal environmental impact.

Community

The recommendation will facilitate the provision of additional housing supply in close proximity to services, public transport, recreation and shopping facilities, and employment opportunities.

Civic leadership

The recommendation will further demonstrate Council's commitment to increasing housing diversity and supporting local centres in key urban intensification areas of the city.

Financial

There is minimal financial impact to Council as the proponent has paid the relevant fees associated with progressing the planning proposal in accordance with Council's fees and charges.

Infrastructure

The former Pasminco site has undergone both remediation and development preparation which has included the provision of roads, electricity, stormwater, water and sewage infrastructure. The subject land is located close to public transport and adjacent to Munibung Road. Other than connecting the specific sites to the existing infrastructure networks, it is not anticipated the planning proposal will impact existing infrastructure.

Future development on the subject land will contribute to the provision of infrastructure and facilities through development contributions identified in the relevant development contributions plan.

Compliance

The planning proposal has been prepared in accordance with the process outlined within the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, and Council's procedure for Amending Local Environmental Plans.

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 Housing Strategy

Lake Macquarie Development Control Plan 2014

Attachments

- | | |
|---|-----------|
| 1. Planning proposal - PP-2022-3908 - 130 Munibung Road Boolaroo -
C2 Environmental Conservation to R2 Low Density Residential | D11319202 |
|---|-----------|

Council Minute Item

Action

Ordinary Council

11/12/2023

TRIM Ref: D11050804

Subject: Exhibition of Planning Proposal - 130 Munibung Road, Boolaroo - C2 Environmental Conservation to R2 Low Density Residential

Date to be Completed by: 25/12/2023

Instructions to User

This TRIM action is assigned to you to complete. Record all actions taken in TRIM using InfoCouncil's process to add a note, and then complete the TRIM action via InfoCouncil.

Council Decision:

194

Moved. Cr. Conroy
Seconded. Cr. Belcher

Council:

- A. requests a Gateway Determination from the Department of Planning and Environment, pursuant to the *Environmental Planning and Assessment Act 1979*, in relation to the planning proposal in Attachment 1,
- B. requests the use of delegations in respect of the Minister for Planning and Homes plan making function under section 3.36 of the *Environmental Planning and Assessment Act 1979* for the planning proposal,
- C. undertakes consultation with State Government agencies, service authorities and traditional owners in accordance with the Gateway Determination,
- D. places the planning proposal on exhibition, subject to the outcome of the Gateway Determination,
- E. notifies stakeholders and affected landowners of the public exhibition period as required, and
- F. receives a further report on the planning proposal following public exhibition.

In accordance with Section 375A of the Local Government Act 1993 a division took place.

For the Motion

Cr. Adamthwaite
Cr. Conroy
Cr. Grigg
Cr. Belcher
Cr. Pauling
Cr. Bishop
Cr. Buckley
Cr. Warner
Cr. Fraser
(carried)

Against the Motion

(Carried)

End

The minutes of Ordinary Council on 11/12/2023 is located in TRIM folder titled 'GOVERNANCE - COUNCIL MEETINGS - Minutes and Agenda - Council Agendas & Minutes - PDF Version'