

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
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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 - D10835539
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Responsible manager	Manager Integrated Planning - Wes Hain

Executive Summary

Address: 1377 Hue Hue Road Wyee

Landowner: Bertha Rose White

Proponent: Topa Property PTY LTD

This report considers a planning proposal, which seeks to amend the *Lake Macquarie Local Environmental Plan 2014* (LMLEP 2014) to rezone parts of 1377 Hue Hue Road, Wyee to facilitate residential development (see Attachment 1). This report also considers an amendment to the Lake Macquarie Development Control Plan 2014 - Wyee West Precinct Area Plan, which provides some specific controls for future development of the site (see Attachment 2).

The site adjoins the recently developed Radcliff estate and is located close to services, shops and public transport. The land has an area of approximately 4.5 hectares with frontage to Hue Hue and Digary Roads, and could accommodate approximately 40 to 50 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. prepares an amendment to the Lake Macquarie Development Control Plan 2014 - Wyee West Precinct Area Plan (Attachment 2),
- D. undertakes consultation with State Government agencies and service authorities in accordance with the Gateway Determination,

- E. places the planning proposal and the draft amendment to the Lake Macquarie Development Control Plan 2014 - Wye West Precinct Area Plan on exhibition for a period of at least 28 days, subject to the outcome of the Gateway Determination,
- F. notifies stakeholders and affected landowners of the public exhibition, and
- G. receives a report to further consider the planning proposal following state agency consultation and public exhibition.

Discussion

The planning proposal relates to land at 1377 Hue Hue Road, Wye and part of the adjoining Digary Road. The northern part of the site is currently zoned RU2 Rural Landscape and the southern part is zoned C2 Environmental Conservation. The portion of the site zoned RU2 Rural Landscape has historically been used for agricultural and rural residential purposes and is almost completely cleared of vegetation with only a few scattered trees remaining. This portion of the site also contains two residential dwellings, rural sheds and structures associated with keeping horses. The portion of the site zoned C2 Environmental Conservation contains some remnant forest, as well as a small section of Mannering Creek flowing through the far southern corner of the site.



Figure 1: Subject site

The planning proposal seeks to rezone the majority of the existing RU2 Rural Landscape zoned land to R2 Low Density Residential and a very small section in the southern part of the RU2 Rural Landscape zoned land to C2 Environmental Conservation to add a buffer for two habitat trees located on the existing boundary of the two zones, as shown in figures two and three. The planning proposal also seeks to rezone a small part of Digary Road from C2 Environmental Conservation to R2 Low Density Residential, as this part of the road will be used to access future residential development on the site. All other C2 Environmental Conservation zoned land is to be retained.

The rezoning will allow approximately 40 to 50 residential lots adjoining the recently developed Radcliff Estate, while maintaining the environmental conservation outcomes in the southern portion of the site. The rezoning of the land presents a logical expansion of the Wyee West precinct. Future development will be required to contribute to appropriate local infrastructure including augmentation of services as required, stormwater management infrastructure and local roads, and specifically the delivery of Digary Road, currently an unformed road. The planning proposal also seeks to amend the minimum lot size to 450m² for the land to be zoned R2 Low Density Residential and include the site on the Urban Release Area Map.

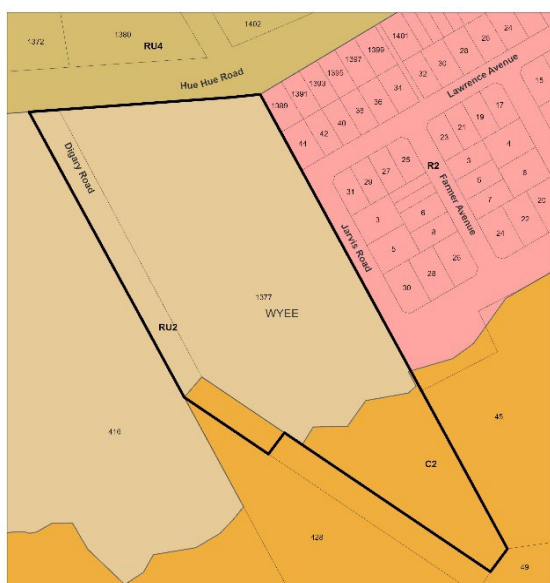


Figure 2: Existing Zoning

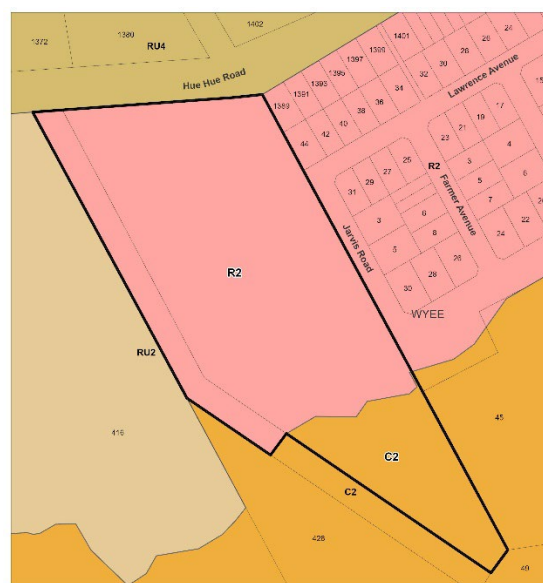


Figure 3: Proposed Zoning

The planning proposal is consistent with the Hunter Regional Plan 2041, the Greater Newcastle Metropolitan Plan 2036, the Lake Macquarie Local Strategic Planning Statement, the Lake Macquarie Housing Strategy, and the Community Strategic Plan, as it seeks to enable housing in an identified growth area and in a location with good access to existing infrastructure, services and public transport. In addition, the proposal seeks to retain and protect the environmental conservation zoned land in the southern section of the site, which has high environmental value.

Assessment of options

The recommended option is to proceed with the planning proposal and area plan amendment and request a Gateway Determination and undertake state agency and community consultation. If progressed, the planning proposal will enable the provision of additional housing supply and increased housing choice in a location with access to existing infrastructure and close to services, shops and public transport. The site is within 30 minutes of the strategic centre of Morisset and associated employment opportunities. The planning proposal would therefore help to accommodate Lake Macquarie’s growing population in a suitable location.

Alternatively, Council can choose not to proceed with the planning proposal. This will maintain the existing planning controls and is not the recommended option as it would not permit residential development and necessary housing supply in a location with good access to infrastructure, services, shops and public transport.

Community engagement and internal consultation

Consultation with NSW government agencies, including NSW Rural Fire Service, NSW Environment, Energy and Science (Flooding and Water), Heritage NSW, NSW Environmental Protection Authority, Hunter Water, NSW Department of Primary Industries and Australian Pipeline and Gas Authority has been undertaken and advice from these agencies has been considered in preparing the planning proposal. In addition, further agency consultation will be undertaken after the Gateway determination if Council proceeds with this planning proposal.

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

No objections were raised during the pre-lodgement consultation period. Study requirements and key matters to be addressed were identified and have been addressed in the planning proposal.

If Council resolves to proceed, the planning proposal will be placed on public exhibition in accordance with the Gateway determination. It is recommended that the planning proposal be exhibited for a minimum of 28 days.

Key considerations

<p>Economic impacts</p>	<p>The planning proposal is anticipated to have positive economic impacts, including through construction related employment opportunities and ongoing investment in the local economy.</p>
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<p>Environment</p>	<p>The planning proposal has considered and addressed a range of environmental planning matters such as bushfire, flooding, contamination, loss of agricultural land, Aboriginal heritage and biodiversity. The planning proposal (Attachment 1) provides detailed information about these environmental considerations. Based on an assessment of the studies provided, the planning proposal will have minimal adverse environmental impacts. The land to be rezoned from RU2 Rural Landscape to R2 Low Density Residential is mostly cleared with only a few scattered trees remaining. The impact of tree removal required to facilitate subsequent development of the subject site will be assessed in conjunction with future development applications for the land. The planning proposal does not seek to rezone the C2 Environmental Conservation zoned land in the southern part of the site, which contains denser vegetation. The associated change to the Wyee West Precinct Area Plan includes provisions regarding these environmental planning matters to ensure they are addressed as part of a future development application. The area plan also requires a vegetation management plan to be established for the part of the site to remain zoned C2 Environmental Conservation.</p>
<p>Community</p>	<p>The planning proposal will provide additional housing supply and choice in close proximity to services, public transport and shopping facilities and within 30 minutes of the Strategic Centre of Morisset and associated employment opportunities.</p>
<p>Civic leadership</p>	<p>Progression of the planning proposal to Gateway Determination and public exhibition allows for community and stakeholder consultation and informed decision making.</p>
<p>Financial</p>	<p>There is no financial impact for Council. The planning proposal has been initiated by the proponent who has paid the relevant fees associated with progressing the planning proposal in accordance with Council's fees and charges.</p>
<p>Infrastructure</p>	<p>Future development on the site will contribute to the provision of infrastructure and facilities through built works and development contributions identified in the relevant development contributions plan.</p>
<p>Risk and insurance</p>	<p>Any risks associated with the draft planning proposal have been minimised by following the LEP amendment process under the <i>Environmental Planning and Assessment Act 1979</i> and Council's LEP amendment procedure.</p> <p>Risks related to bushfire, flooding and contamination have been assessed and meet policy and landuse planning requirements based on studies prepared for the proposal.</p> <p>Depending on Council's resolution, the proponent may seek a rezoning review that enables the Regional Planning Panel to evaluate and recommend to the Minister whether the proposal should proceed to a Gateway determination.</p>

Legislative and policy considerations

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Lake Macquarie Local Environmental Plan 2014

Lake Macquarie Development Control Plan 2014

Hunter Regional Plan 2041

Greater Newcastle Metropolitan Plan 2036

Lake Macquarie Local Strategic Planning Statement

Lake Macquarie Housing Strategy

Attachments

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| 1. Planning Proposal - 1377 Hue Hue Road, Wyee | D10958552 |
| 2. Summary of changes - Lake Macquarie Development Control Plan 2014 - Wyee West Precinct Area Plan | D10958547 |