

Planning Proposal – 87 Oakdale Road Gateshead

Lake Macquarie Local Environmental Plan 2014

Pre-Gateway Version

Local Government Area	Lake Macquarie City Council
Name of Draft LEP:	Lake Macquarie Local Environmental Plan 2014 – 87 Oakdale Road
Subject Land:	87 Oakdale Road Gateshead (Lot 100 DP 717604)
Land Owner:	Mr D C Crane
Applicant:	Lake Macquarie City Council
Council Folder Number:	RZ/4/2020
Maps:	Map 1 – Locality Map 2 – Aerial Photograph Map 3 – Existing Zones Map 4 – Proposed Zones Map 5 – Existing Lot Sizes Map 6 – Proposed Lot Sizes Map 7 – Existing Height of Buildings Map 8 – Proposed Height of Buildings
Date:	May 2023
Prepared by:	Ms Mashal Moughal – Strategic Land Use Planner
Attachments:	Nil

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Part 1 – Objective & Intended Outcome of the Planning Proposal

The objective of this planning proposal is to amend the *Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)* to enable a range of general industrial uses at 87 Oakdale Road Gateshead, compatible with the condition of the site and surrounding land uses.

Part 2 – Explanation of Provisions

The amendments proposed to the LMLEP 2014 are detailed below in Table 2.1:

Table 2.1 - Proposed LEP 2014 Amendments

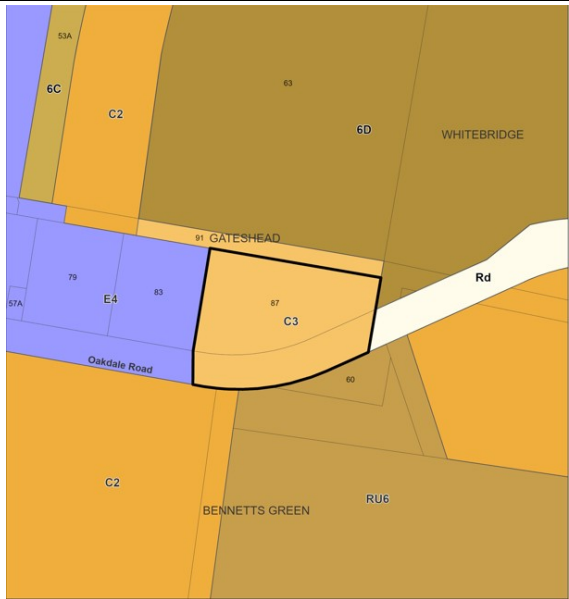
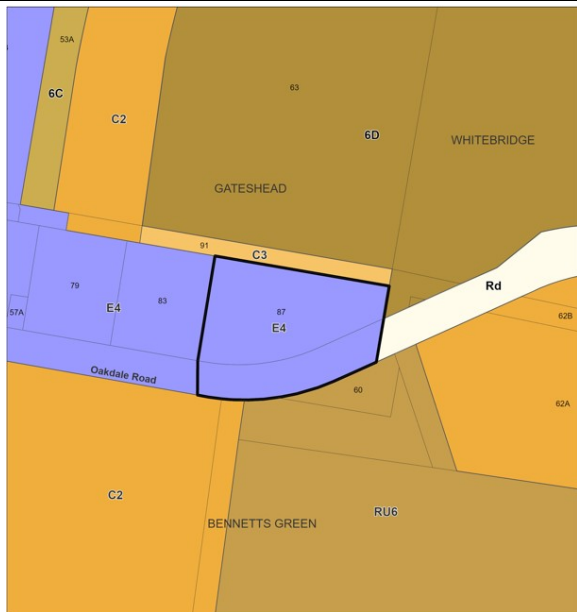
Land Zoning Map	
Amend the Land Zoning Map to rezone the site at 87 Oakdale Road Gateshead from C3 Environmental Management to E4 General Industrial, as shown in Figures 1 and 2.	
 <p>Figure 1 Existing zoning</p>	 <p>Figure 2 Proposed zoning</p>
Lot Size Map	
Amending LMLEP 2014 Lot Size Map from the existing 40ha to 1500m ² . The amendment will allow lot sizes to be in accordance with the Lot Size map of the surrounding E4 zoned land, shown in Figures 3 and 4.	



Figure 3 Existing minimum lot size (40ha)

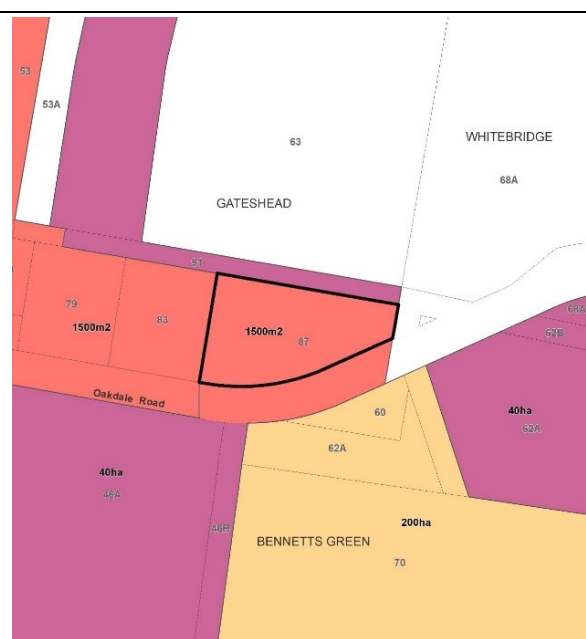


Figure 4 Proposed minimum lot size (1500m²)

Height of Buildings Map

Amending LMLEP 2014 Height of Buildings Map from the existing 5.5m to 15m. The amendment will allow the height light limits to be in accordance with the surrounding land zoned E4 as shown in Figures 5 and 6.



Figure 5 Existing height of building standard (5.5m)



Figure 6 Proposed height of building standard (15m)

Part 3 – Justification for the Provisions

3.1 Section A – Need for the planning proposal

Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The planning proposal is not the result of a strategic study or report. The C3 Environmental Management zone is not considered the most suitable zone as the site is predominantly cleared. The proposal aims to enable an employment land use on a largely cleared site that adjoins an existing industrial precinct (see Figure 7). The proposal will contribute to the supply of employment land in Lake Macquarie.

The subject site was a Deferred Matter site in the *Lake Macquarie Local Environmental Plan (LMLEP) 2004*. The C3 Environmental Management Zone was applied to the site in conversion to the standard instrument *LMLEP 2014*. It is understood the current zoning was applied to the site based on its former agricultural use and its underlying 7A Environmental Protection (Scenic) zoning under *LMLEP 1984*. At the time the Environmental Protection (Scenic) Zone was applied a major intersection was proposed between Oakdale Road and the now abandoned East Charlestown Bypass to the west of the subject site.

It is understood that the 7A Environmental Protection (Scenic) Zone was applied to protect the scenic amenity of the proposed intersection. As the East Charlestown Bypass has been abandoned the site is no longer considered a visually sensitive landscape.



Figure 7: Local context map of subject site. Source: Nearmap

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Rezoning the site to E4 General Industrial will enable development consistent with the adjoining employment precinct. It would not be appropriate to amend the land use table for the C3 Environmental Management Zone or to add an additional permitted use for light industrial development as industrial land uses are not compatible with the zone objectives of the C3 Environmental Management Zone.

3.2 Section B – Relationship to strategic planning framework

Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

3.2.1 Hunter Regional Plan 2041

The planning proposal is consistent with the Hunter Regional Plan 2041 which identifies productive industries as the second highest employment industry in 2036. The proposal contributes to the supply of industrial lands to support manufacturing, construction, transport and supply chain industries. It is well located with access to transport corridors, customers and existing supply chains. The proposed rezoning is consistent with the following directions:

PART 2- Objectives

Objective 1: Diversify the Hunter's mining, energy and industrial capacity

Strategy 1.4	Justification
<p>Planning proposals for new employment lands will demonstrate they:</p> <ul style="list-style-type: none"> are located in areas which will not result in land use conflict can be adequately serviced and any biodiversity impacts are manageable respond to the employment land needs identified for that local government area. 	<p>The planning proposal satisfies strategy 1.4 as:</p> <ul style="list-style-type: none"> The subject land adjoins existing industrial zoned land (E4). However, the subject property is also located within proximity to land zoned E2 Environmental Conservation and lands that are identified as 'deferred matter' that have been in the interim zoned as RU6, 1A, 2A, 5C, 6C, 6D and 7A. <p>During the time of this assessment only zoned RU6 Transition (Lot 101 DP 717604 & Lot 91 DP 755233) are actively undertaking land uses. Nevertheless, zoning of the transitional and interim land parcels is subject to change.</p> <p>Also, existing sensitive and residential zones are unlikely to be impacted as existing parcels of land zoned Environmental Conservation and Management provide a buffer between the subject site and these different land use zones.</p> <p>Therefore, the proposal to rezone from C3 Environmental Management to E4 General Industrial is unlikely to result in any known land use conflicts.</p> <ul style="list-style-type: none"> The subject property has direct access to Oakdale road and is able to connect to water and sewerage services. <p>The site is mostly cleared and but the site and surrounding land contain biodiversity values. The planning proposal is accompanied by a Biodiversity Assessment Report and an Ecology Review prepared by suitably qualified persons. The reports have assessed the impacts of the proposal on the known biodiversity values to be manageable.</p>

- The rezoning of the subject site expands the existing employment zone. Currently the Gateshead precinct is predominantly zoned residential (see figure 8 below) and is also surrounded by residential zoned land to the north (Charlestown), south (Windale), north east and east (Whitebridge & Dudley).

The rezoning to general industrial will provide additional opportunities for employment within the LGA.

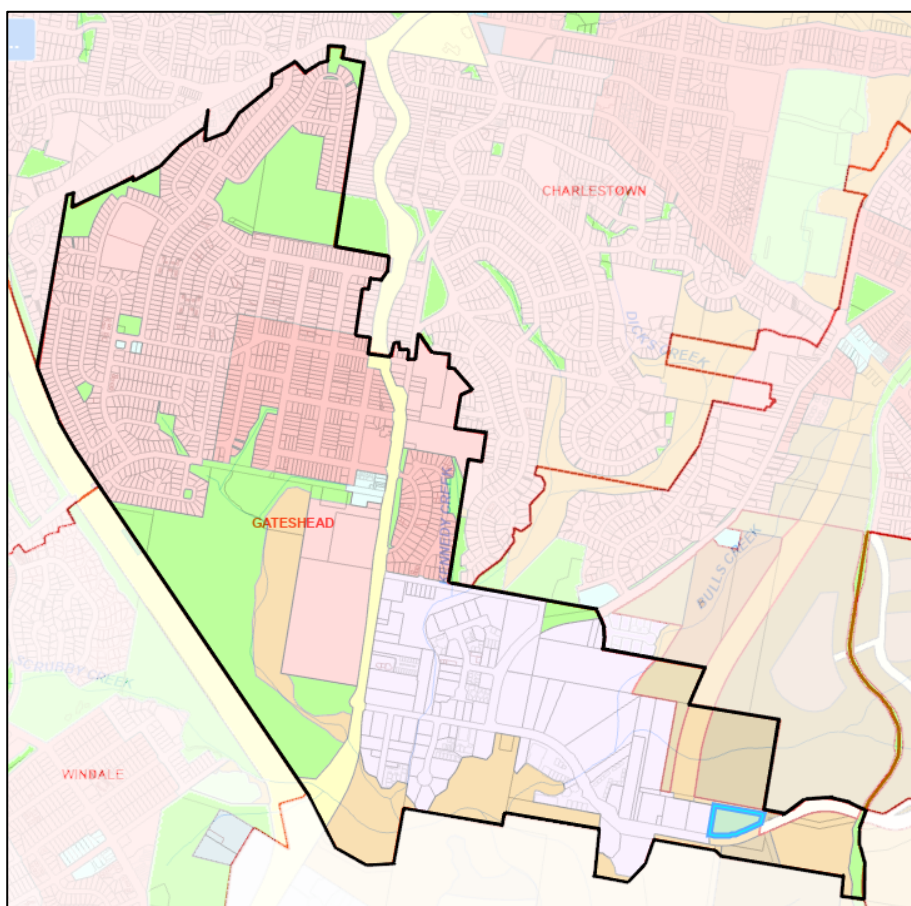


Figure 8 Existing Land Zoning map

Objective 3: Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities

Consistent. Even though the planning proposal is not located within a 15-minute neighbourhood or strategic mixed-use centre, it does provide for employment opportunities within existing residential and medical precincts. Therefore, the rezoning achieves the objectives by diversifying land uses that allow for employment zones to be close to residential land uses.

Objective 4: An inter-connected and globally-focused Hunter without car dependent communities

Not Applicable. The planning proposal does not impact existing or identified future freight and logistics networks.

Objective 5: Plan for 'nimble neighbourhoods', diverse housing and sequenced development

Not applicable. The planning proposal does not seek to introduce new or amend existing residential zoned land uses.

Objective 6: Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments

Strategy 6.3	Justification
Planning proposals will ensure the biodiversity network is protected within an appropriate conservation zone unless an alternate zone is justified following application of the avoid, minimise, offset hierarchy.	<p>The planning proposal seeks to rezone the site from C3 Environmental Management to E4 General Industrial. As discussed above in 3.1 Section A - Need for a planning proposal, the site was zoned C3 Environmental Management due to its historical agricultural related activities. The site is mostly cleared and the accompanying Biodiversity Assessment Report (BAR) and an ecological review (peer review of the BAR) provided do not identify any endangered or threatened flora or fauna.</p> <p>The surrounding properties are mapped as potential habitats for native flora and fauna species. Any identified flora of high conservation value on site will be assessed and be subject to conditions at DA stage.</p> <p>The planning proposal will not result in any adverse impact to the biodiversity values as the biodiversity network will be protected within the surrounding C2 & C3 zones.</p>
Strategy 6.4	Justification
Planning proposals should promote enterprises, housing and other uses that complement the biodiversity, scenic and water quality outcomes of biodiversity corridors. Particularly, where they can help safeguard and care for natural areas on privately owned land.	<p>Consistent. The site is predominantly cleared and is supported by a Biodiversity Assessment Report (BAR) which has also been peer reviewed in an Ecology Review demonstrates that there are no known endangered, threatened or critical flora or fauna that will be adversely impacted by the rezoning.</p> <p>The planning proposal will be referred to the Biodiversity & Conservation Division (BCD) post gateway consultation stage regarding biodiversity matters.</p> <p>Also, promoting specific land uses to complement biodiversity values within conservation zones during the planning proposal stage as it is not possible to speculate the future development or use that will be undertaken on the rezoned land.</p> <p>Furthermore, applying or promoting certain land use controls for LEP amendments as it will be inconsistent with the s.9.1 Ministerial Direction 1.4 Site Specific Provisions.</p> <p>Nevertheless, promoting uses and development that complement biodiversity and scenic values can be</p>

	facilitated through the DA stage through planning controls that encourage Water Sensitive Urban Design (WSUD) and sustainability.
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Objective 7- Reach net zero and increase resilience and sustainable infrastructure

Strategy 7.5	Justification
Planning proposals will protect sensitive land uses from sources of air pollution, such as major roads, railway lines and designated freight routes, using appropriate planning and development controls and design solutions to prevent and mitigate exposure and detrimental impacts on human health and wellbeing	<p>Not applicable. The Gateshead precinct does not include comprise a sensitive land use as defined by the Act, or development operating within the town centre.</p> <p>Nevertheless, any future redevelopment for sensitive land uses will be subject to the relevant planning development controls and design solutions to prevent and mitigate exposure and detrimental impacts on human health and wellbeing.</p>

Objective 8: Plan for businesses and services at the heart of healthy, prosperous and innovative communities

Strategy 8.2	Justification
Planning proposals will accommodate new commercial activity in existing centres and main streets unless it forms part of a proposed new community or is an activity that supports a 15-minute neighbourhood.	<p>Consistent. The planning proposal is largely a cleared site that adjoins existing employment land uses (commercial/retail/ offices and the like) and the subject site through this rezoning can further extend the existing employment precinct.</p> <p>Therefore, the rezoning the subject lot from C3 to E4 provides opportunity to further increase employment (commercial/retail/ offices and the like) near existing residential land uses and support the 15-minute neighbourhood model.</p>

3.2.2 Greater Newcastle Metropolitan Plan 2036

The proposal is consistent with Action 7.1: *Greater Newcastle councils will align local plans to: ensure an adequate supply of employment land including industrial zoned land, to cater for demand of urban services in accessible locations.*

The site adjoins an extensive area of Crown land which forms part of the Greater Newcastle Green Network (see figure 9 below). The green network is identified as a corridor of remanent native vegetation composed of a variety of native flora communities that provide habitat and movement to native fauna within the region.

Given the site is predominantly cleared, the proposed change of zoning is unlikely to result in adverse impacts on this corridor. The large lot size enables setbacks to buffer the development footprint from the green corridor.

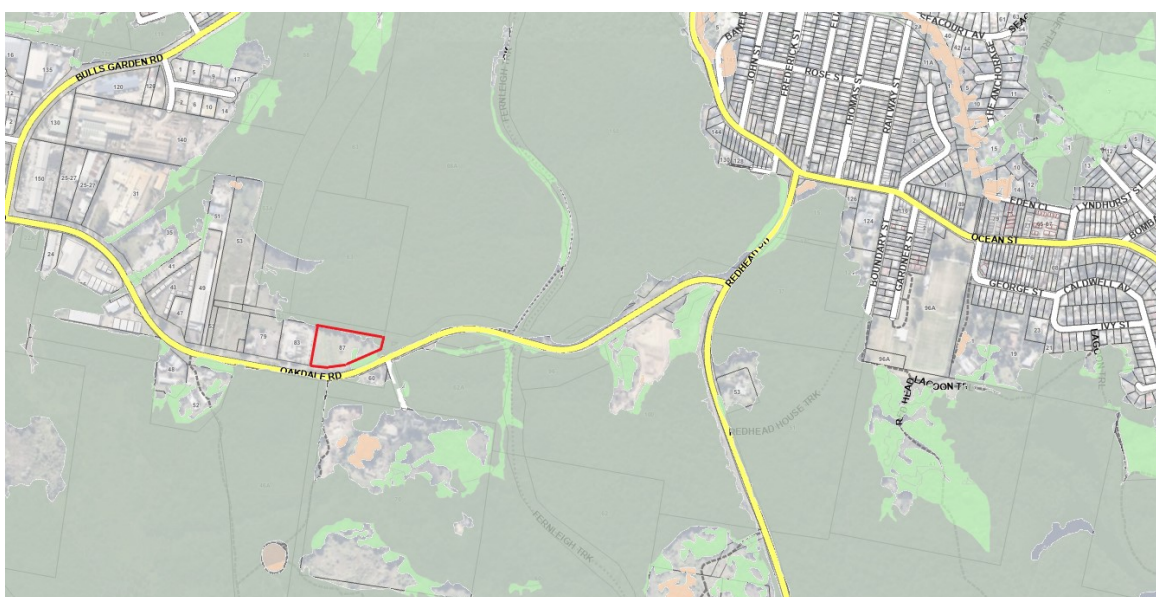


Figure 9- Native Vegetation Corridor

Outcome 1: Create a workforce skilled and ready for the new economy

Strategy 7 - Respond to the changing land use needs of the new economy	Justification
<p>Action 7.1 - Greater Newcastle councils will align local plans to:</p> <ul style="list-style-type: none"> • build capacity for new economy jobs in areas well serviced by public transport and close to established centres by: <ul style="list-style-type: none"> ○ enabling a greater range of employment generating uses in appropriate industrial and business areas ○ responding to the challenge of balancing the vibrancy of a night-time economy with residential amenity 	<p>The planning proposal satisfies Action 7.1 as the site is in proximity to bus services (1.17 km to the west on the Pacific Highway) which connects the existing industrial precinct and the site to an existing established medical precinct (Gateshead) and Charlestown CBD.</p> <p>The rezoning will help meet demand for employment land near existing centres, providing capacity for urban services and infrastructure in accessible locations.</p>

<ul style="list-style-type: none"> ○ encouraging more home-based business, home-based industries and small business (under two employees plus residents) in residential areas • ensure an adequate supply of employment land, including industrial zoned land, to cater for demand of urban services in accessible locations. 	
<p><u>Action 7.2</u> - The Department of Planning and Environment, working with Newcastle City and Lake Macquarie councils, will:</p> <ul style="list-style-type: none"> • Review the role of former manufacturing land in the metro core to determine potential for new business, housing or open space. • Plan for the relocation of heavy industries away from urban areas to industrial precincts including Beresfield, Tomago and other suitable locations. 	Noted. The land subject to the planning proposal does not contain manufacturing land or heavy industries.
Strategy 8 - Address changing retail consumer demand	Justification
<p><u>Action 8.1</u> - Greater Newcastle councils will:</p> <ul style="list-style-type: none"> • Align local plans to enable diversity of uses in larger retail centres including housing, offices and recreation and adapt to changing retail activities • Undertake public domain improvements to respond to the Movement and Place framework (an integrated land use and transport planning tool used by the NSW Government to improve the liveability of places). 	<p>Not applicable. The planning proposal seeks to rezone land for the purposes of general industrial use and the site is not located within mixed use, commercial or recreation centres.</p> <p>Any public domain improvements will be considered and assessed accordingly during the development assessment stage.</p>
Strategy 9 - Plan for jobs closer to homes in the metro frame	Justification
<p><u>Action 9.1</u> - Greater Newcastle councils, with support from the Department of Planning and Environment, will undertake a commercial floorspace audit of strategic centres and develop job and housing targets for each strategic centre.</p>	Not applicable. The subject site is not located within a strategic centre.
<p>Action 9.2 - Greater Newcastle councils will:</p>	The planning proposal is consistent as it aims to:

<ul style="list-style-type: none"> • amend local plans to promote more shared workspaces for start-ups in strategic centres • enable small business growth in residential zones close to centres and transport connections. 	<ul style="list-style-type: none"> • promote shared work spaces for starts ups in an employment zone, and • enable small to medium sized enterprise to grow near residential land uses and transport connections.
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Outcome 2: Enhance Environment, Amenity and Resilience for Quality of Life

Strategy 10 - Create better buildings and great places	Justification
<p><u>Action 10.1</u> - Greater Newcastle councils will:</p> <ul style="list-style-type: none"> • Improve amenity of centres and urban renewal corridors through placemaking initiatives that strengthen the connection between people and the places they share • Enhance the design quality of the built environment by implementing the Design Objectives for NSW in local plans and developing local character statements for centres and urban renewal corridors undergoing renewal and revitalisation • Promote innovative approaches to the creative re-use of heritage places, ensuring good urban design preserves and renews historic buildings and places. 	<p>Consistent. The site is not located within a local or commercial centre and adjoins existing Industrial, Environmental Management and land that is yet to be assigned a zone under LMLEP 2014.</p> <p>The precinct is progressively developing but currently does not formally have a strategic policy or framework to guide place-making initiatives.</p> <p>It is intended that the precinct, in particular land parcels zoned as 'deferred matter' that have been in the interim zoned as RU6, 1A, 2A, 5C, 6C, 6D and 7A. will be considered in the future to establish a broader strategic framework that guides land use and development within the precinct.</p>
Strategy 11: Create more great public places where people come together	Justification
<p><u>Action 11.1</u> - Greater Newcastle councils with support from the Department of Planning and Environment will:</p> <ul style="list-style-type: none"> • Create and activate public spaces in the strategic centres that are suitable for community events like markets, festivals, commemorations and assemblies • Enhance community access to sporting, recreational, cultural and community services and facilities • Implement a public art strategy that addresses: <ul style="list-style-type: none"> ○ The history of place, storytelling, interpretation and cultural expression 	<p>Not applicable. The subject site is not located within a strategic centre nor is the location suitable to host public events or facilities.</p> <p>An Aboriginal Heritage Study has been prepared by <i>Myall Coast Archaeological Services (L Roberts, February 2021)</i>. The study concluded that there was limited physical (topographical) and historical evidence did not indicate that the site has significant and frequently used by Aboriginal communities.</p> <p>Nevertheless, the site is identified as Sensitive Aboriginal Landscape which provides opportunities for development and uses to incorporate Aboriginal cultural heritage in the form artwork, landscaping or</p>

<ul style="list-style-type: none"> ○ How art and culture can be used to improve economic growth and community cohesion. • Provide public lookout places that maintain views to iconic buildings and vistas • Protect and enhance waterfront parkland areas • Identify, protect and celebrate Aboriginal cultural heritage, historic heritage and maritime heritage. 	the like elements to celebrate cultural diversity.
Strategy 12 - Enhance the Blue & Green Grid and Urban Tree Canopy	Justification
<u>Action 12.2</u> - Greater Newcastle Councils will identify blue and green corridors and continue rehabilitation of waterways.	Not applicable. There are no strategic policies noting any reserved or mapped blue green corridors identified for the precinct.
Strategy 13 - Protect Rural Amenity Outside Urban Areas	Justification
<u>Action 13.1</u> - Greater Newcastle councils will align local plans to: <ul style="list-style-type: none"> • enable the growth of the agricultural sector by directing urban development away from rural areas and managing the number of new dwellings in rural areas • encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances • protect and preserve productive agricultural land to support the growth of agricultural industries and keep fresh food available locally. 	<p>Consistent. The site is predominantly surrounded by C2 Environmental Conservation and land parcels zoned as 'deferred matter' that have been in the interim zoned as RU6, 1A, 2A, 5C, 6C, 6D and 7A.</p> <p>These land parcels do not impact any known rural or agricultural zoned properties.</p>
Strategy 14 - Improve resilience to natural hazards	Justification
<u>Action 14.2</u> The Department of Planning and Environment will work with Greater Newcastle councils to plan for a changing climate by: <ul style="list-style-type: none"> • Ensuring major redevelopments include a natural hazard risk assessment that incorporates climate 	<p>Consistent. The planning proposal has considered the following natural hazards and risks:</p> <ul style="list-style-type: none"> • The subject site is identified as bushfire prone land and the proposal has provided a Bushfire Hazard Report to demonstrating consistency with

<p>change parameters and mitigation/adaptation measures</p> <ul style="list-style-type: none"> Ensuring planning for road upgrades of critical linkages considers sea level rise and flooding, and incorporates resilient design and materials to reduce reconstruction and recovery costs Developing a methodology to incorporate evacuation considerations into strategic, precinct and site-based planning Developing policies to achieve the NSW Government aspirational target of net zero emissions by 2050. 	<p>Planning for Bushfire Protection 2019 and relevant Legislative Standards.</p> <p>However, the current planning and legislative framework are limited to providing guidelines in hazard reduction methods and do not inform or provide climate change or adaptation measures.</p> <ul style="list-style-type: none"> The Gateshead precinct does not identify any road or infrastructure upgrades to mitigate for rising sea level. Further consultation with State Emergency Services (SES) will be sought with regard to evacuation within the precinct. Council will work with the Department of Planning and Environment to develop policies to achieve the aspirational target of net zero emissions.
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Outcome 3: Deliver housing close to jobs and services

Strategy 16 - Prioritise the delivery of infill housing opportunities within existing urban areas	Justification
Not applicable. The site is not suitable for urban infill development.	

Outcome 4: Improve connections to jobs, services and recreation

Strategy 20 Integrate land use and transport planning	Justification
<p><u>Action 20.1</u>: Transport for NSW, working with Greater Newcastle councils, will:</p> <ul style="list-style-type: none"> Improve public transport services between Newcastle City Centre, Broadmeadow, John Hunter Hospital, Callaghan, Cardiff, Charlestown and Kotara Increase the frequency, improve the customer experience and enable easier modal changes on the passenger rail and intra-regional buses from Morisset, Maitland, East Maitland, Raymond Terrace, Cessnock and Kurri Kurri to other strategic centres 	<p>The proposal is consistent with the GNMP 2036 as follows:</p> <ul style="list-style-type: none"> The planning proposal aims to provide employment opportunity near existing bus networks in the Gateshead, Charlestown and Bennett Green precincts to improve connections between Greater City of Newcastle Further consideration and coordination of pedestrian and traffic activity will be undertaken post gateway determination in consultation with Transport for NSW. In addition to the above investigations, a traffic impact assessment will be

<ul style="list-style-type: none"> • Implement travel demand management policies and tools to respond to growth in transport demand • Provide early and effective public transport services and active transport infrastructure in priority housing release areas that is well-connected to key destinations and public open space • Investigate re-prioritising road space for higher occupancy vehicles as a response to increased demand from population and economic growth • Manage the supply of new car parking in strategic centres to avoid road congestion • Identify improvements to active transport networks, and provide unobstructed well-connected pedestrian paths and a network of off-road separated cycleways to key destinations, including schools, employment hubs, shops and services. 	<p>required at development assessment stage.</p>
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3.2.3 Local Strategic Planning Statement

Will the planning proposal give effect to Council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Lake Macquarie Local Strategic Planning Statement (LSPS)

The site is strategically located for light industrial land uses with access to residential areas, transport connections and other supporting land uses. The proposed rezoning is consistent with economic goals to ensure that well-located employment land is available for future employment growth. The rezoning specifically contributes to *Planning priority 3: a city of prosperity* and associated principles:

- *Closely monitor changes in the local, national, and global economies, and respond appropriately*
- *Facilitate complementary land uses within proximity of health precincts and other industry clusters*
- *Maximise the potential of existing infrastructure and natural assets to encourage investment and economic and employment growth*
- *Provide sufficient land for a range of employment activities, including industrial precincts and larger format business areas in accessible locations outside of economic centres*

The planning proposal is consistent with the Lake Macquarie LSPS.

3.2.4 Community and Other Regional Strategic Plans

Is the planning proposal consistent with the local council's Community Strategic plan or other local strategic plan?

Central Coast and Lake Macquarie- Regional Economic Development Strategy 2018-2022 (Central Coast & Lake Macquarie REDS 2018-2022)

The Lake Macquarie City Community Strategic Plan 2022-2032 has been developed with the Lake Macquarie community outlining their vision and values and providing clear strategies to achieve them. The planning proposal is consistent with the vision for supporting a sustainable and diverse economy.

7.1 Long-term Economic Vision for the Region

To grow the population and economy of an attractive region that is an important dormitory area with high liveability by attracting in-movers – including commuters – and to grow the visitor economy, while also building on the region's strengths and specialisations in the services sectors – especially health and age care – and in manufacturing and mining.

The planning proposal is consistent with the long-term vision and the *Central Coast & Lake Macquarie REDS 2018-2022* as it allows employment zones near existing strategic centres and residential land uses allowing existing and new residents to bring skills to expand internal employment opportunity.

Lake Macquarie Housing Strategy 2021

The Housing strategy aims to facilitate housing diversity that is well located and that responds to the changing population, ensuring our housing meets people's needs into the future. A key aspect of the strategy is to facilitate infill housing close to centres with access to transport and services.

The subject site is not strategically considered for residential development to avoid land use conflict within the predominantly industrial land area. The planning proposal satisfies the objectives of this strategy as it is providing employment opportunity near existing residential and medical precincts and supports the 15-minute neighbourhood model.

Greater Newcastle Future Transport Plan (Future Transport 2056)

Future Transport 2056 provides a strategic transport framework and vision to guide future transport planning and associated infrastructure in the Greater Newcastle Region. *Future Transport 2056* builds and connects key initiatives of the *Greater Newcastle Metropolitan Plan 2036* and seeks to deliver an integrated public transport network. The key customer outcomes outlined in *Future Transport 2056* applicable to the proposal are:

Customer Outcome 3: Movement and place framework

People and businesses experience vibrant local places balanced with efficient and effective movement of people and goods.

The planning proposal will enable residents and businesses to have effective movement of people and goods by using existing and future transport networks to travel.

Customer Outcome 6: Economic development is enabled by regional transport services and infrastructure

Regional businesses and tourism are enabled by appropriate, coordinated,

The planning proposal will provide opportunity for future general industrial land uses to take

efficient and effective transport services and infrastructure	advantage of the regional transport services and infrastructure to strengthen economic development within the Greater Newcastle region.
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Customer Outcome 9: Accessibility to employment and services

Accessibility to employment and services such as health, education, retail and cultural activities within regional cities and centres	The planning proposal provides employment and services opportunities within the region of Greater Newcastle that is close to exiting transport services.
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3.2.5 State Environmental Planning Policies (SEPPs)

The following assessment has been undertaken to determine consistency of the proposal with relevant State Environmental Planning Policies (SEPPs):

SEPP	Relevance	Comment
State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Chapter 2 - Vegetation in Non-Rural Areas	Aims to protect biodiversity values and other non-vegetation to preserve natural/scenic amenity of non-rural areas.	<p>Consistent. The proposal will potentially disturb or remove a portion of partially cleared native vegetation to the north and east of the site. However, any impact is likely to be minor as the site is predominantly cleared.</p> <p>A Biodiversity Assessment Report (BAR) which has also been peer reviewed in an Ecology Review demonstrates that there are no known endangered, threatened or critical flora or fauna that will be adversely impacted by the rezoning.</p> <p>Any works or development within sensitive flora and fauna will be subject to conditional approval at Development Assessment stage.</p>
Chapter 3 - Koala Habitat Protection 2020 and Chapter 4 - Koala Habitat Protection 2021	Aims to encourage the proper conservation and management of areas of natural vegetation that provide koala habitat.	Consistent. The land is not identified on the Koala Development Application Map and does not have an approved Koala Plan of Management applying to the land. It is unlikely that the proposal will impact on core koala habitat given the minor extent of vegetation on the site.

SEPP	Relevance	Comment
State Environmental Planning Policy (Resilience and Hazards) 2021		
Chapter 2- Coastal Management	This chapter ensures that development in the NSW coastal zone is appropriate and suitably located to ensure that there is a consistent and strategic approach to coastal planning and management.	Consistent. The site is not located within the coastal zone.
Chapter 4 - Remediation of Land	This instrument provides a State-Wide planning approach to the remediation of contaminated land and provides guidelines on remediation works. The chapter of the SEPP also outlines matters to be considered and Australian Standards that need to be considered during assessment.	Consistent. The site has a moderate risk of contamination. A preliminary contamination investigation was prepared by <i>Douglas Partners (M Gawn, February 2021)</i> that identified the site as potentially contaminated and recommended additional investigations prior to undertaking development site to confirm the extent of contamination and inform a remediation plan (if needed).
State Environmental Planning Policy (Transport & Infrastructure) 2021		
Chapter – 2 Infrastructure Part 2.3 Development Controls Division 5 Electricity Transmission or Distribution	Aims to facilitate effective deliver of infrastructure across the state of NSW. The SEPP also ensures that future redevelopment near identified infrastructure are carefully considered during assessment and also provides opportunity for consultation with relevant infrastructure providers and associated stakeholders.	Consistent. The proposal is unlikely to impact on known transport or electrical infrastructure. Further consideration of transport and electrical infrastructure will be considered during agency consultation stage with relevant agencies.
State Environmental Planning Policy (Resources and Energy) 2021		
Chapter 2- Mining Petroleum Production & Extractive Industries	Aims to provide for the proper management and development of land containing mineral, petroleum and extractive material resources.	The proposal is unlikely to impact on mining, petroleum or extractive industries.

3.2.6 Section 9.1 Ministerial Directions

The following assessment has been undertaken to determine the level of consistency the proposal has with relevant Ministerial Directions:

Ministerial direction	Relevance	Comment
Focus area 1: Planning Systems – Place-based		
1.1 – Implementation of Regional Plan	The direction seeks to give effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	Consistent. The proposed rezoning is considered consistent with relevant regional strategies of the Hunter Regional Plan 2041 as detailed in Chapter 3.2 - Section B of this report.
1.2 – Development of Aboriginal Land Council land	The direction provides guidance to planning proposals for land shown on the land Application Map of Chapter 3 Planning Systems SEPP 2021.	Consistent. The subject site is not identified as land owned by the Aboriginal Land Council.
1.3 – Approval and Referral Requirements	The direction prevents a draft amendment from requiring concurrence from, or referral to, the Minister or a public authority.	Consistent. The proposal does not contain provisions that require concurrence, consultation or referral of development application to a Minister or Public Authority. The planning proposal will not result in development on the land that will be identified as designated development. Nevertheless, the planning proposal itself will require a concurrence to the Planning secretary to satisfy Ministerial Direction 3.1 (Conservation Zones)
1.4 – Site Specific provisions	The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.	Consistent. The proposal does not introduce or apply land use provisions that restrict undertaking development and use on the site.
Focus area 3: Biodiversity and Conservation		
3.1 – Conservation Zones	The direction requires that a draft LEP contain provisions to facilitate the protection of environmentally sensitive land.	Inconsistent. The Planning Secretary concurrence would be required to consider whether the inconsistency is of minor significance. The planning proposal would

Ministerial direction	Relevance	Comment
		<p>rezone the site from C3 Environmental Management Zone to E4 General Industrial Zone which will reduce the environmental protection standards that apply to the land. Whilst this is inconsistent with this direction, the site is largely cleared and the rezoning is considered of minor significance.</p> <p>A Biodiversity Assessment Report (BAR) prepared by <i>South Coast Ecology (P King, September 2022)</i> and an <i>Ecology Review (Review)</i> prepared by <i>(M Aitkens, March 2023)</i> were submitted as part of the planning proposal. The BAR and Review identify the subject site a potential squirrel glider habitat and recommends that any potential clearing and works to be investigated and assessed in detail at development stage. Both reports concluded that:</p> <ul style="list-style-type: none"> the rezoning to industrial is unlikely to have impacts on the life cycle of any species any future use or development on site is unlikely to trigger a BDAR, vegetation Management plan (VMP) or any biodiversity offset. the rezoning from C3 Environmental Management to E4 General Industrial is unlikely to trigger assessment of the Koala Habitat Protection under the Biodiversity and Conservation) SEPP 2021.
3.2 – Heritage Conservation	The direction requires that a draft LEP include provisions to facilitate the protection and conservation of Aboriginal and European heritage items.	<p>Consistent. The site is mapped as a Sensitive Aboriginal Landscape. An Aboriginal Heritage Study has been prepared by <i>Myall Coast Archaeological Services (L Roberts, February 2021)</i> provided for review. The study is based on the observations and historical data and has identified the following:</p> <ul style="list-style-type: none"> the subject site was not intensively occupied by the

Ministerial direction	Relevance	Comment
		<p>aboriginal community</p> <ul style="list-style-type: none"> the historical evidence and site analysis were limited to be able to determine the frequency and role of the site. no landscape attributes are evident on site or on surrounding land to suggest frequency of use of the site. <p>The report and its recommendations will be provided to Heritage NSW as part of agency consultation.</p>

Focus area 4: Resilience and Hazards

4.1- Flooding	<p>The direction ensures that development of flood prone land is consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.</p> <p>Also, the direction ensures that the LEP provisions consider flood behaviours and impacts on the subject and surrounding land.</p>	Consistent. The subject site is not identified as flood prone land.
4.2 - Coastal Management	This direction seeks to give effect to the objects of the Coastal Management Act 2016.	Consistent. The site is not within the Coastal Zone.
4.3 - Planning for Bushfire Protection	<p>The direction applies to land that has been identified as bushfire prone, and requires consultation with the NSW Rural Fire Service and consideration of <i>Planning for Bush Fire Protection 2019</i>.</p>	<p>Consistent. The site is bushfire prone. A bush fire assessment has been provided to identify bushfire risks and ensure that the property has the capacity to accommodate future development.</p> <p>The report assesses the site conditions to demonstrate compliance with this ministerial direction and <i>Planning for Bush Fire Protection 2019</i>. Consultation with RFS will occur following the Gateway determination.</p>

Ministerial direction	Relevance	Comment
4.4 - Remediation of Contaminated Land	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	Consistent. The site has a moderate risk of contamination. A preliminary contamination investigation prepared by <i>Douglas Partners (M Gawn, February 2021)</i> has identified the site as potentially contaminated and recommended additional investigations prior to undertaking development site to confirm the extent of contamination and inform a remediation plan (if needed).
4.5- Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent. The site is not identified to contain acid sulfate soils.
4.6 - Mine Subsidence and Unstable Land	The direction requires consultation with the Subsidence Advisory NSW where a draft LEP is proposed for land within a mine subsidence district.	Consistent. The site is located in Lake Macquarie Mine Subsidence district. Council will consult with Subsidence Advisory NSW as part of agency consultation.

Focus area 5: Transport and Infrastructure

5.1 – Integrating Land Use and Transport	The direction requires consistency with State policy in terms of positioning of urban land use zones.	Consistent. The site is adjacent to an existing employment area and is located approximately 1.3 km to the Pacific Highway and Newcastle Inner City Bypass. The site is approximately 1.17 km from the nearest bus stop and approximately 300m from the Fernleigh track which connects to nearby residential areas.
5.2 – Reserving Land for Public Purposes	The direction prevents a draft LEP from altering available land for public use.	Consistent. The proposal does not create, alter or reduce existing zonings or reservation of land for public purposes.

Focus area 6: Housing

6.1 Residential Zones	The direction aims to facilitate housing diversity that is	Not applicable, the intent of the planning proposal is to rezone land
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Ministerial direction	Relevance	Comment
	strategically located to utilise existing infrastructure and amenities and has minimal impact on the environment.	to create additional employment land use opportunities near existing residential zones.

Focus area 7: Industry and Employment

7.1 Employment Zones	The direction encourages growth and protects employment zones and support the viability of identified centres.	<p>The planning proposal is consistent with this direction as:</p> <ul style="list-style-type: none"> the planning proposal encourages employment growth in a suitable location that is close to existing residential land use. The planning proposal does not impact on existing employment zones. The planning proposal aims to create additional employment land and does not reduce potential floor space area for existing or future employment zones. Supports the functions of near by existing centres like Charlestown and Gateshead medical precinct.
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Focus area 8: Resources and Energy

1.3 – Mining, Petroleum and Extractive Industries	The direction requires consultation with the Director-General of the Department of Primary Industries where a draft LEP will restrict extractive resource operations.	Consistent. The proposal is unlikely to impact on mining, petroleum or extractive industries.
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3.3 Section C – Environmental, Social and Economic Impact

1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A Biodiversity Assessment Report (BAR) which has also been peer reviewed in an Ecology Review demonstrates that there are no known endangered, threatened or critical flora or fauna that will be adversely impacted by the rezoning. The report identifies that the site is mostly cleared with the understorey largely consisting of weeds, however there are some

trees on the site. The vegetation communities on the site are Kahibah Snappy Gum Forest and Lake Macquarie Spotted Gum Forest, though only a small extent. It is considered unlikely that the proposal will adversely impact threatened species, populations or their habitats.

2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Visual Impact

The proposed land use and resulting visual landscape will be consistent with the industrial land uses to the west. An initial assessment against *Council's Scenic Management Guidelines 2013* indicates the site is not located in a visually sensitive landscape and does not have a high or moderate level of visibility. It is considered the visual impact of the proposal is of minor significance. Moreover, the DCP contains relevant controls to ameliorate visual impacts at the development application stage.

3. Has the planning proposal adequately addressed any social and economic effects?

Site context

To the north and north east of the subject site is extensive area of Council owned and Crown land designated as Deferred Matter (see figure 10 below). The Deferred Matter land has an underlying 6 (d) Open Space (Regional) zone under the *LMLEP 1984*. The land was exhibited as 10 Investigation (Urban/ Conservation) Zone in the Draft *LMLEP 2001*. Draft versions of *LMLEP 2011* indicate a Zone of E2 Environmental Conservation. The land is constrained by topography, ecology, bushfire and would require significant investigation prior to being developed. Preliminary consultation with Landcom indicates no current intentions to further investigate or develop the land. Notwithstanding, it is considered the proposal is unlikely to impede future development of the Deferred Matter land.



Figure 10- Location of Existing Council and Crown Land

Economic

The proposal is likely to have positive economic effects by contributing to the supply of industrial land in Lake Macquarie. The Hunter Regional Plan 2041 identifies productive industries as a key employment industry for the region and light industrial uses depend on efficient supply chains, access to customers, land availability and access to main roads.

Council is currently undertaking a review of employment land in the Local Government Area. The preliminary results indicate that only approximately 30 hectares of industrial land is undeveloped and underutilised that have the potential to provide more employment land within the region. Based on current population and employment growth trends, there is an anticipated demand for 320 hectares of industrial zoned land by 2030. As such the results indicate a shortfall of 290 hectares. The proposal will make a minor contribution to this shortfall in a location adjacent to an existing industrial precinct with access to existing supply chains, customers and main roads.

Social

The proposal is likely to have positive social impacts by facilitating additional employment generating land uses on the site. The site is located opposite an existing private dwelling. The dwelling is situated within the RU6 Transition Zone and is isolated from other residential development.

3.4 Section D – Infrastructure (Local, State & Commonwealth)

Is there adequate public infrastructure for the planning proposal?

Public infrastructure adjoins the site, and the proposal will require minimal extension of existing water, sewer, electricity, drainage services at development stage

Access & Traffic.

The subject site is in close proximity to public transport (bus network), the planning proposal identifies opportunity to support redevelopment to fully utilise existing amenity.

Education

The proposal does not unlikely to impact existing or increase the demand for future educational facilities within the region.

Health Care

The subject site is located within close proximity to the Gateshead and Charlestown Medical facilities. The planning proposal is unlikely to impact existing or increase demand for future medical facilities.

National Broadband Network

The Gateshead precinct is connected to the National Broadband Network. The planning proposal is unlikely to impact existing or adversely increase the coverage capacity in the region.

3.5 Section E – State and Commonwealth Interests

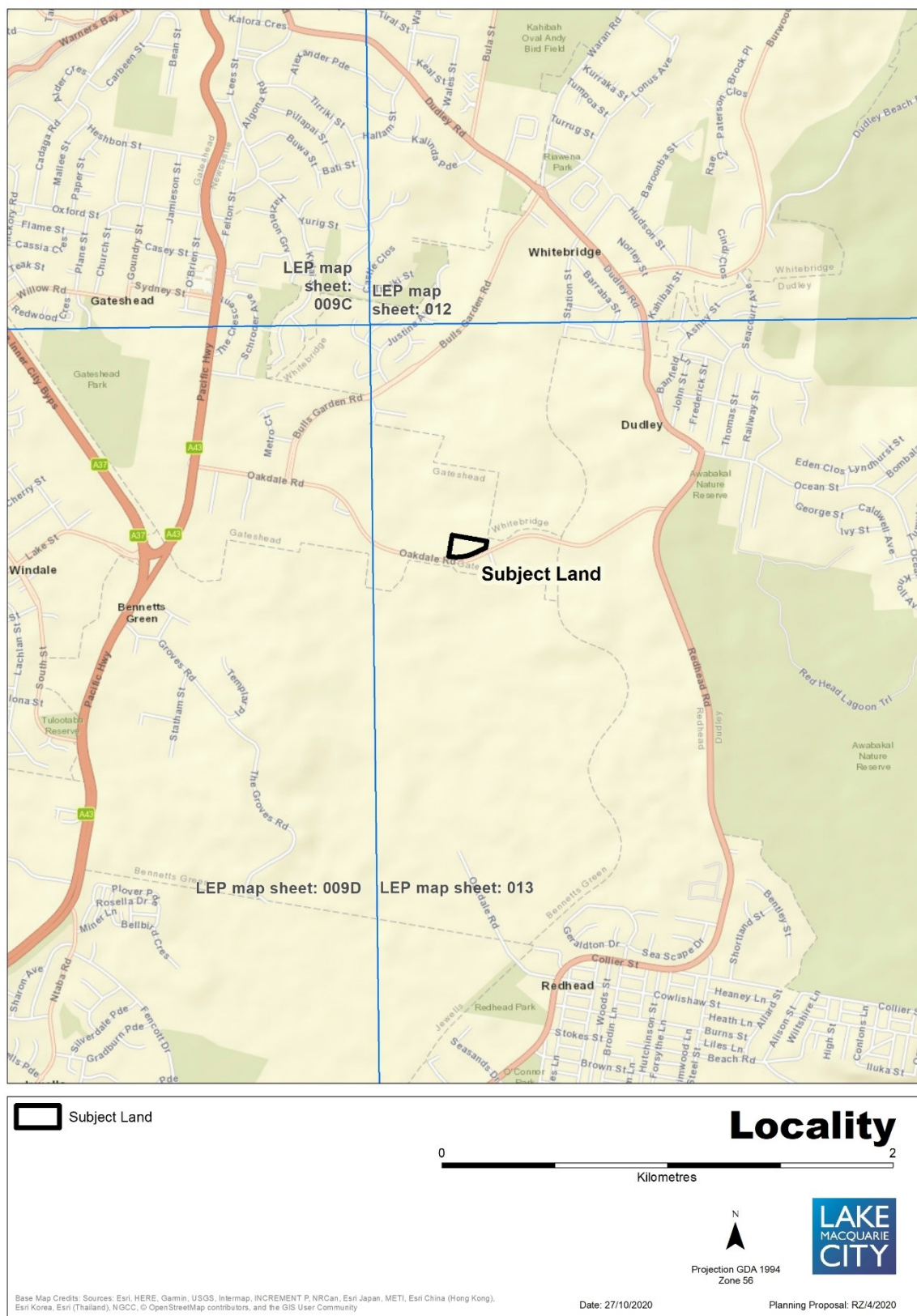
1. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with State and Commonwealth public authorities will occur as directed by the Gateway determination.

Council recommends consultation with the following authorities:

- Heritage NSW (Aboriginal Cultural Advisory committee)
- Biodiversity Conservation Division
- Subsidence Advisory NSW
- NSW Rural Fire Service

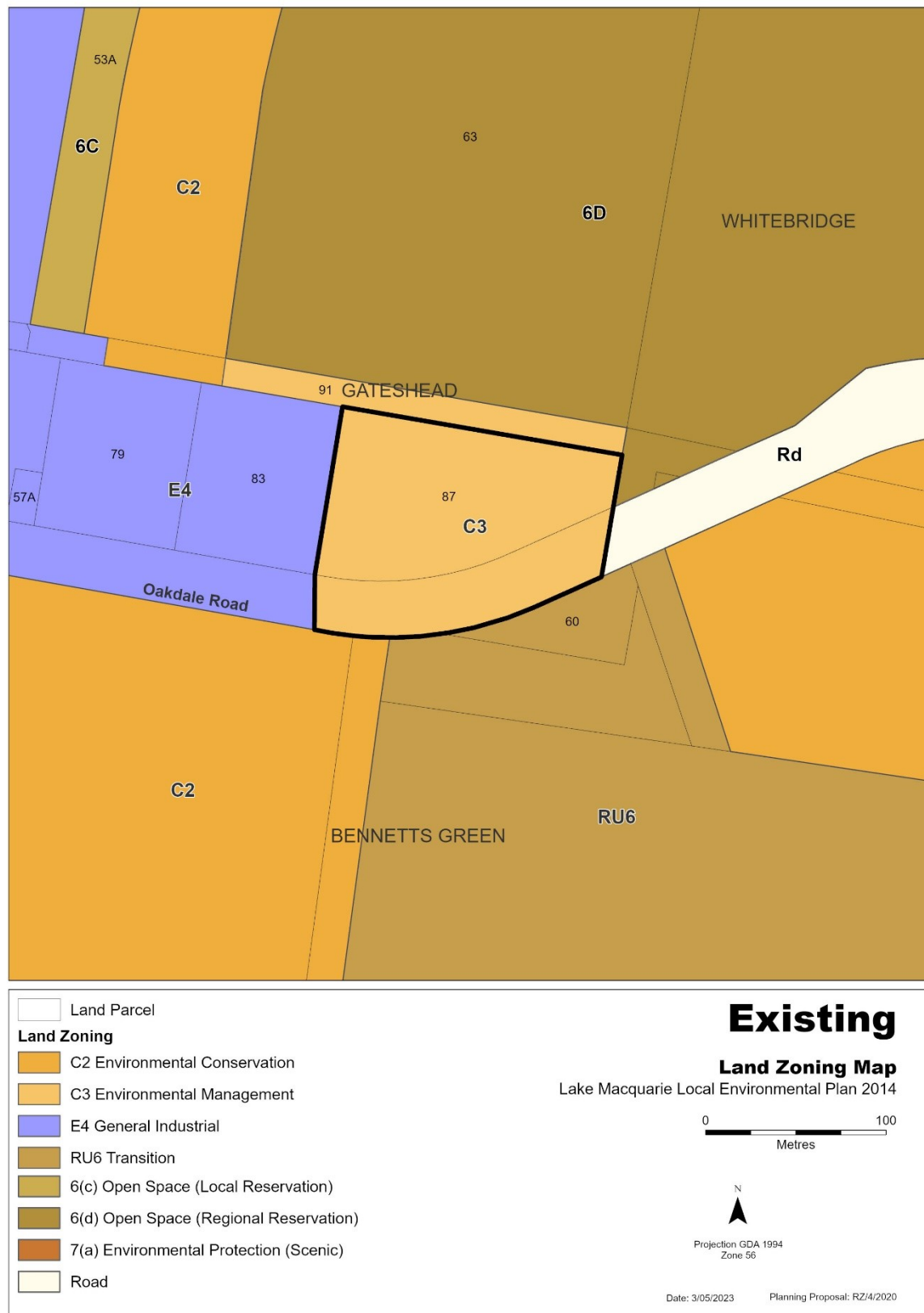
Part 4 – MAPPING



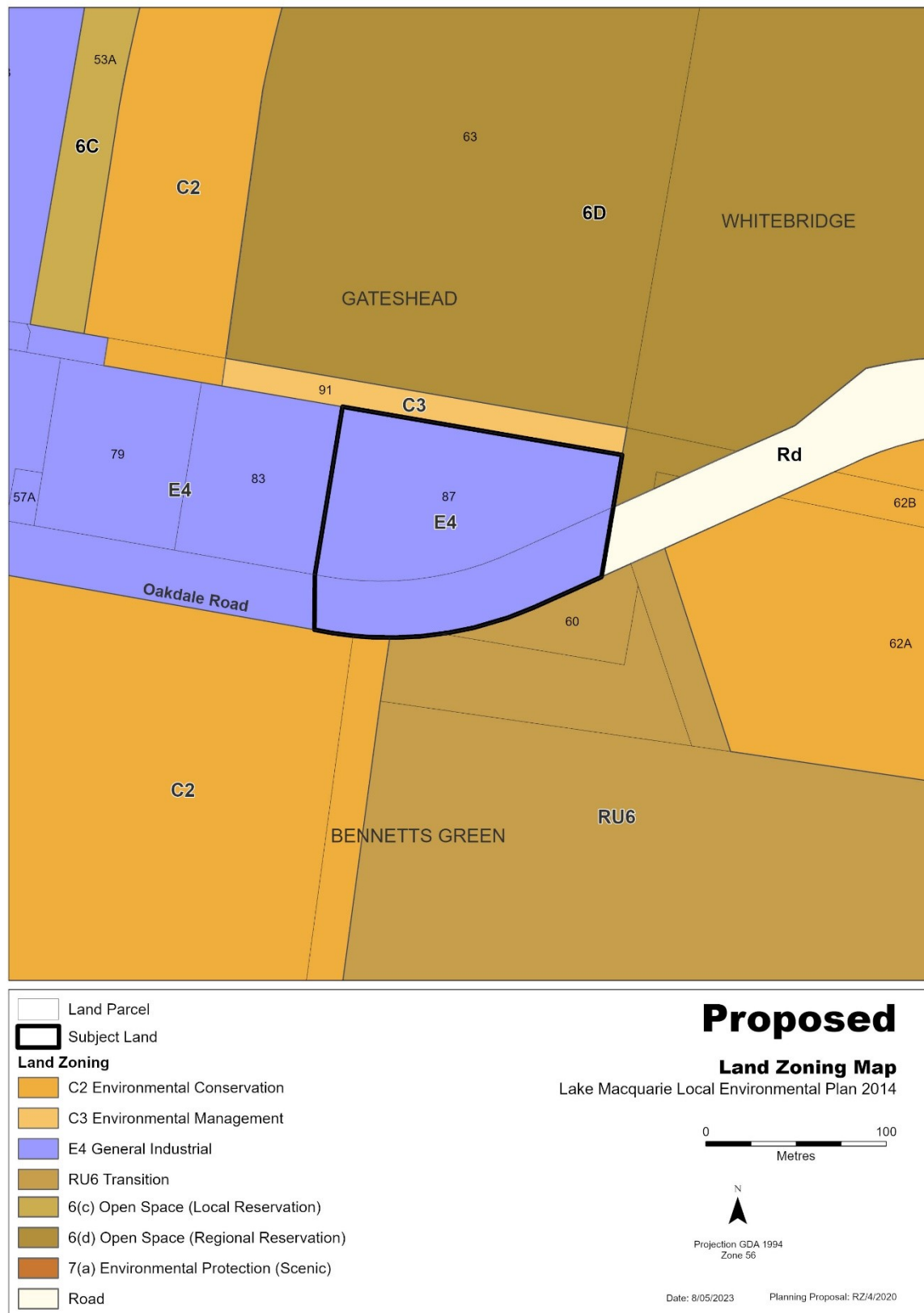
Map 1 – Locality



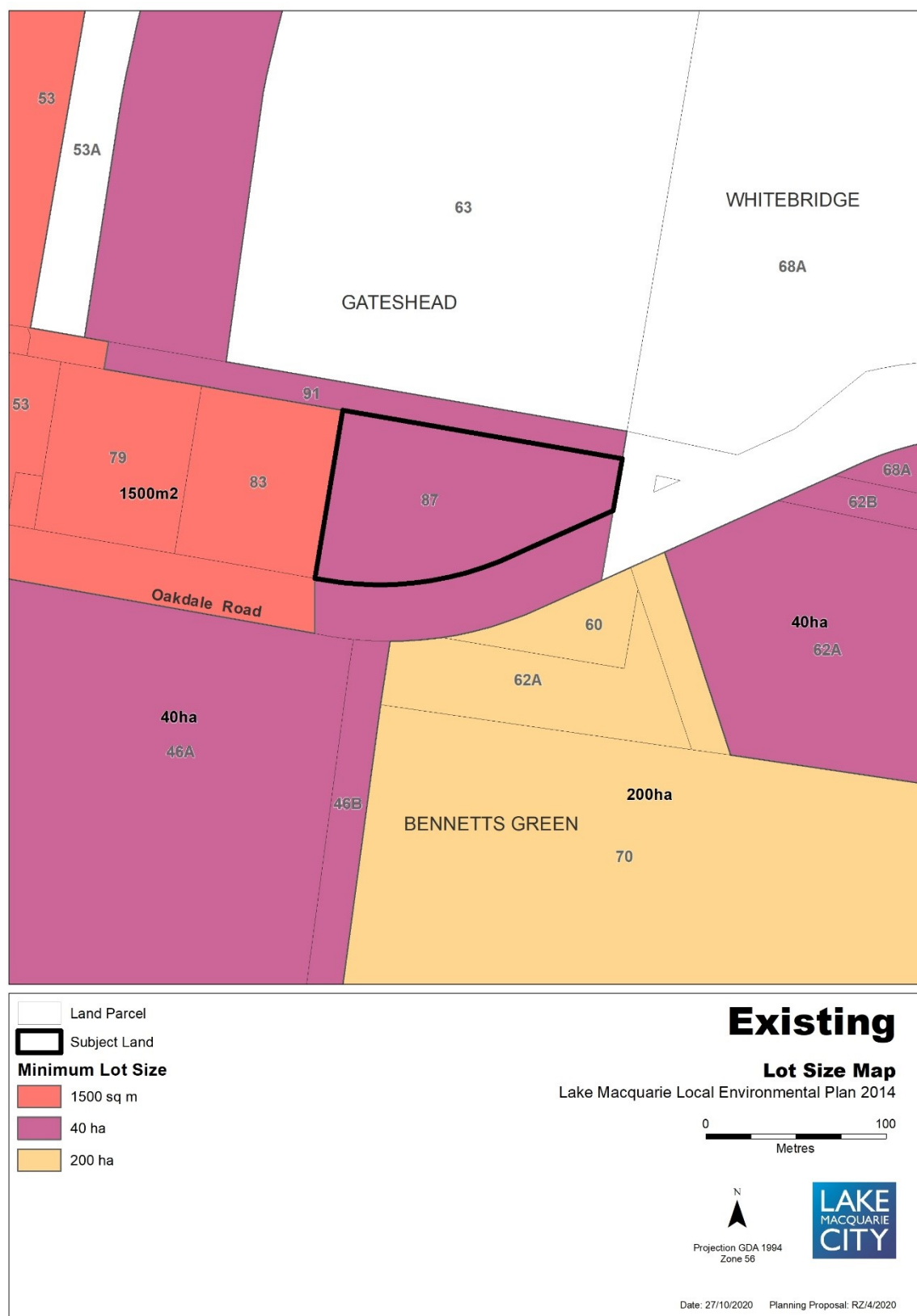
Map 2 – Aerial Photograph



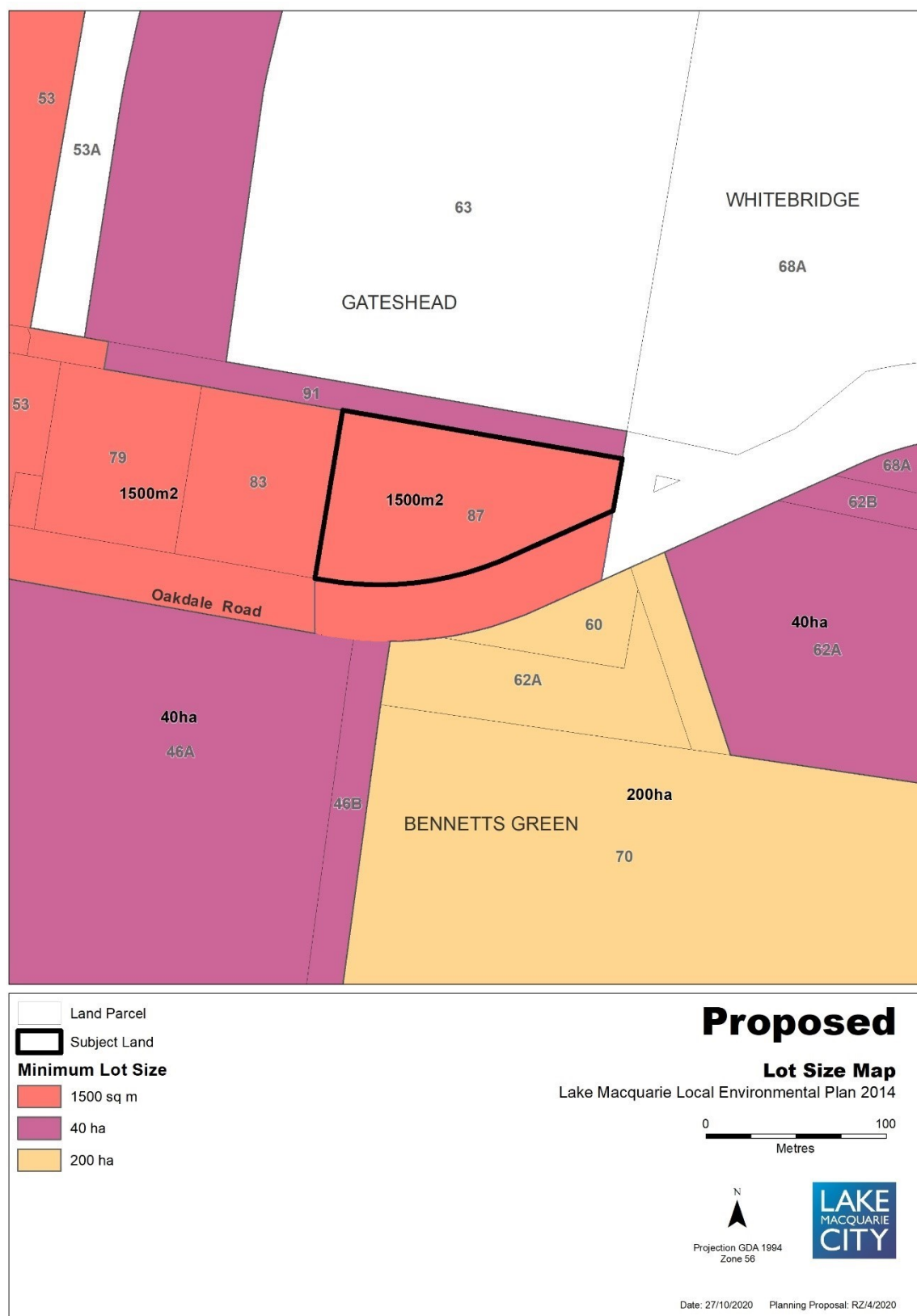
Map 3 – Existing Zones



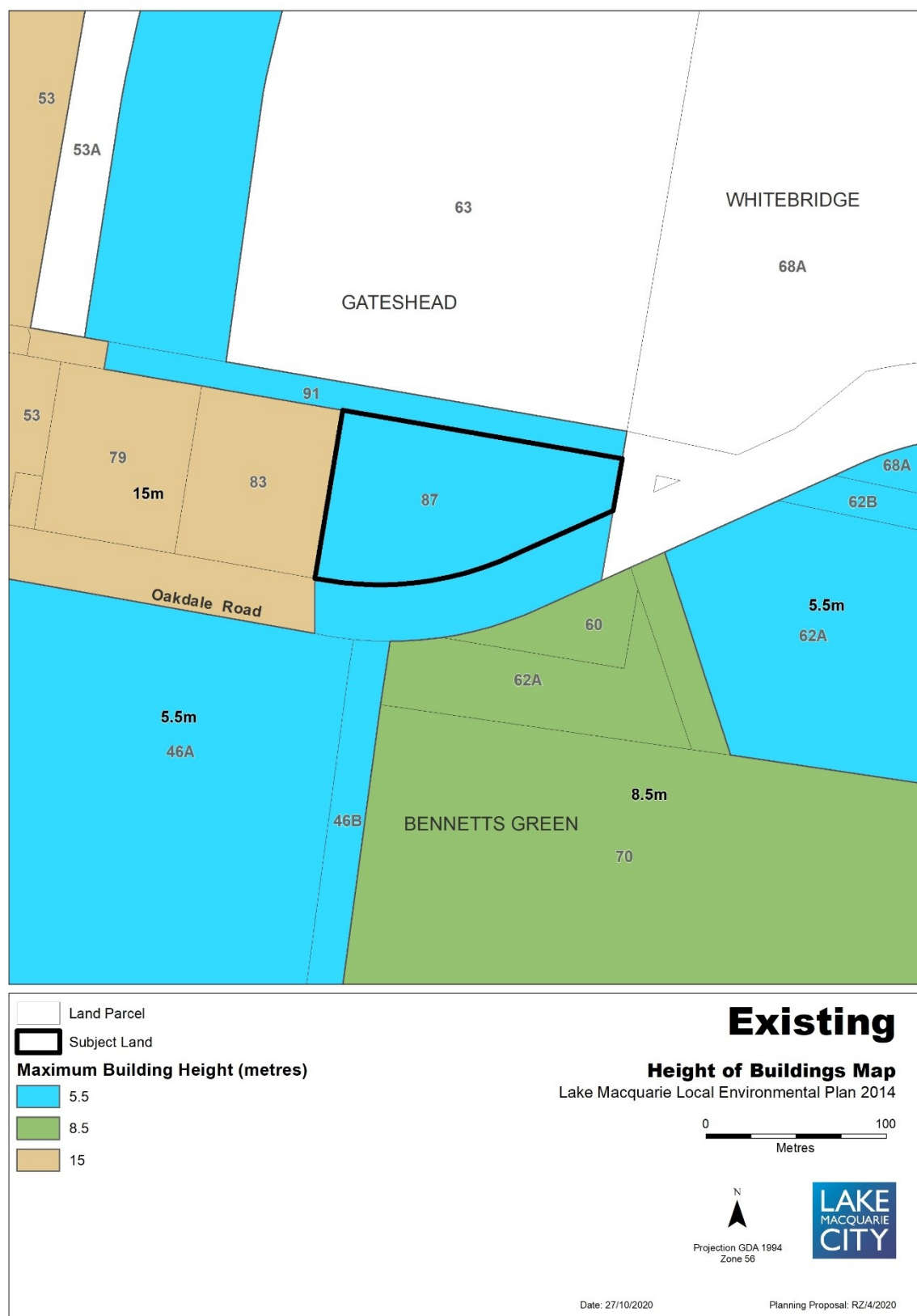
Map 4 – Proposed Zones



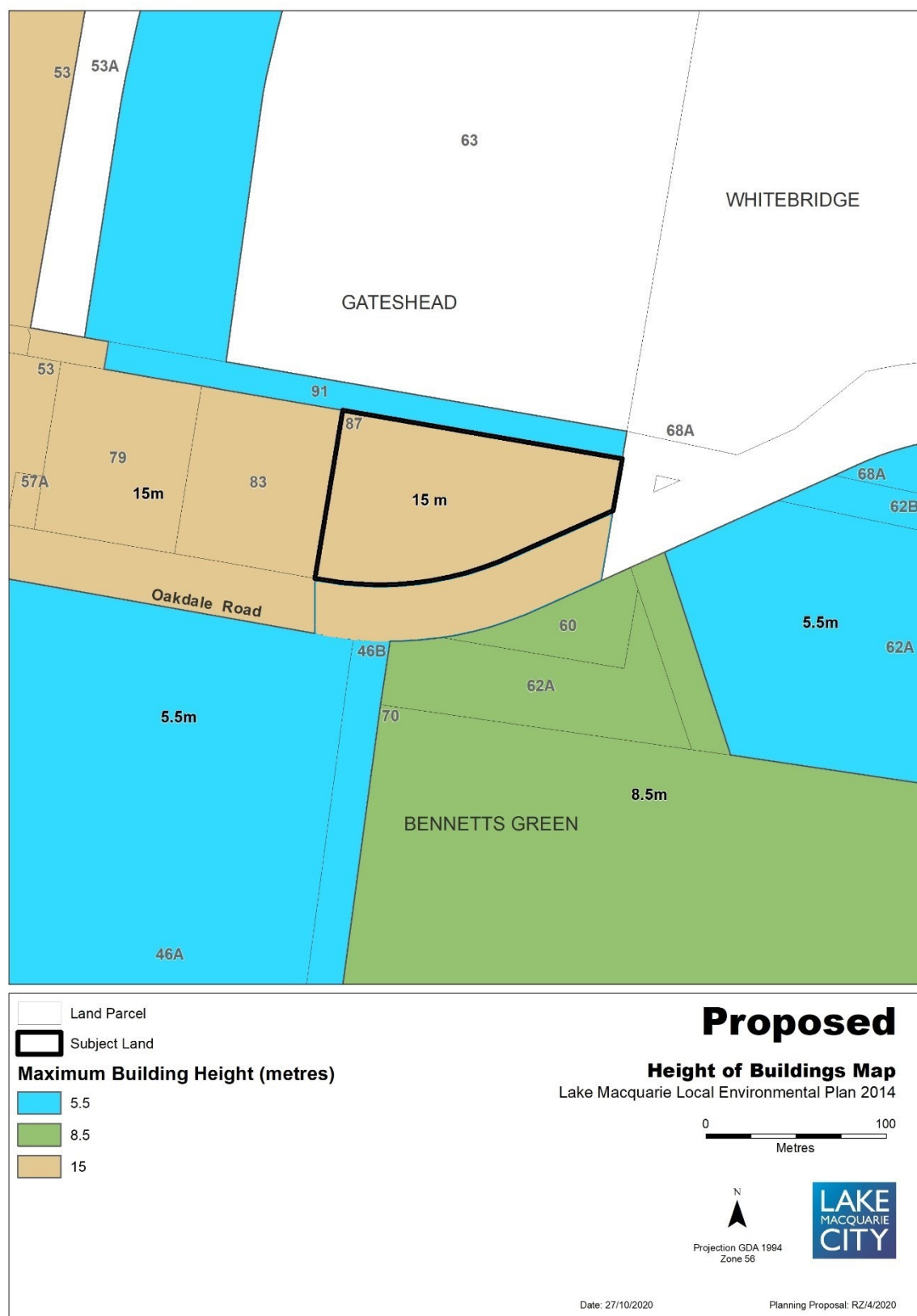
Map 5 – Existing Lot Size



Map 6 – Proposed Lot Size



Map 7 – Existing Height of Building



Map 8 – Proposed Height of Building

Part 5 – Details of Community Consultation

Community consultation has not been undertaken to date. Community consultation will be determined as part of the Gateway determination. LMCC considers that the proposal is low impact and recommends public exhibition of the proposal for 28 days.

Part 6 – Project Timeline

Stage	Timeframe and / or date
Gateway determination	25 working days
Pre-exhibition	50 working days
Commencement and completion of public exhibition period	20 working days
Consideration of submissions	10 working days
Post-exhibition review and additional studies	10 working days
Post exhibition planning proposal consideration / preparation	55 working days
Submission to Department for finalisation (where applicable)	10 working days
Gazettal of LEP Amendment	45 working days