

24DP010	87 Oakdale Road, Gateshead - Planning Proposal
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Key focus area	4. Diverse economy
Objective	4.2 We have an adaptable, diverse, prosperous and circular economy
File	RZ/4/2020 - D11442967
Author	Strategic Planner - Mashal Moughal
Responsible manager	Manager Integrated Planning - Wes Hain
Previous items	20DP025 - Planning Proposal - 87 Oakdale Road Gateshead Rezoning - RZ/4/2020 - Development and Planning Standing Committee - 09 Nov 2020 6:30pm 20SP095 - Gateshead - 87 Oakdale Road - Planning Proposal - Ordinary Council - 14 Dec 2020 6:30pm

Executive summary

Address	87 Oakdale Road Gateshead, Lot 100 DP 717604
Owner	Mr D C Crane
Proponent	Oakdale Group Pty Ltd

This report details the results of the public exhibition and State agency consultation and seeks Council's resolution to finalise the planning proposal in Attachment 2.

The planning proposal seeks to rezone 87 Oakdale Road, Gateshead from C3 Environmental Management to E4 General Industrial and change associated LEP controls such as minimum lot size and height of building.

The planning proposal will provide a much-needed increase in the supply of industrial land in the city. The subject site is well-located within an existing employment land precinct, has access to existing transport corridors and is close to existing population and service centres. The proposal has the potential to further strengthen economic productivity and growth in the region.

The planning proposal was on public exhibition from 25 March 2024 to 23 April 2024 and five submissions were received. A summary of issues raised, and responses can be found in Attachment 1. No changes were made to the planning proposal because of public exhibition.

Recommendation

Council:

- A. notes the submissions received during public exhibition (Attachment 1) and the outcomes of the State agency consultation,
- B. endorses the planning proposal (Attachment 2) to amend the *Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)*,
- C. finalises the amendments to the *Lake Macquarie Local Environmental Plan 2014* in accordance with the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*, and
- D. notifies those who made a submission of Council's decision.

Context

The planning proposal was initiated by the landowner and applies to land at 87 Oakdale Road, Gateshead. The subject site is mostly cleared and adjoins an existing industrial precinct to the west, a dwelling and landscape supply business to the south and bushland to the north and east. The intent of the planning proposal is to rezone 87 Oakdale Road, Gateshead from C3 Environmental Management to E4 General Industrial and add to the adjoining existing industrial precinct in Gateshead.

On 30 November 2020, the planning proposal was presented to Council (20DP025) seeking endorsement to request a Gateway Determination and proceed to public exhibition. Council resolved to defer the matter and undertake a site inspection.

The site inspection was held on 3 December 2020. At the Ordinary Council meeting of 14 December 2020 (20SP095), Council resolved to request a Gateway Determination and place the planning proposal on public exhibition subject to further consideration of the mature trees present on the site as part of the planning proposal and future development applications.



Figure 1: Subject site and context

Following Council’s resolution, Gateway Determination was requested from the NSW Department Planning, Housing, and Infrastructure (DPHI). Progress of the planning proposal has been delayed at various stages due to the need for extended agency consultation and for the proponent to complete additional site investigations relating to Aboriginal cultural heritage.

The planning proposal aligns with the strategic objectives from the Hunter Regional Plan 2041, the Lake Macquarie Community Strategic Plan 2022-2032 (CSP) and the Lake Macquarie Local Strategic Planning Statement (LSPS). The planning proposal will unlock a supply of employment land within the existing Gateshead industrial precinct and help to diversify the region’s industrial land capacity.

The planning proposal will provide much needed additional employment land to service existing population and help provide services to the local community. This further supports Council’s strategic priorities to enhance economic diversity in economic and regional centres to support growth and improve liveability within Lake Macquarie.

Discussion

The planning proposal seeks to change the *LMLEP 2014* by rezoning the subject site from C3 Environmental Management to E4 General Industrial (Figure 2) and making associated changes including reducing the minimum lot size from 40 hectares to 1500m² and increasing the height of buildings from 5.5m to 15m to be consistent with the adjoining industrial zoned land.



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

Centres (regional, economic, and local) are the core hub of economic, residential, social, and cultural activity, and hence there are multiple land uses and activities that are competing for space within centres. Having economic activity close to amenities such as public transport, freight networks, and commercial centres help create and improve liveability and productivity. It is important to note that economic centres are mostly suitable for businesses with a smaller footprint (i.e. offices, shops, cafes etc.) and are not suitable for larger scale businesses and land use activities like manufacturing, processing, storage facilities and the like.

Industrial zoned land can accommodate a range of business types and sizes allowing diverse trades and skills to share knowledge and drive innovation. Locating industrial land near existing centres, population areas, and other employment land improves supply chain, productivity and efficiency for the wider economy.

According to analysis undertaken by Council staff and the most recent DPHI [Employment Lands Development Monitor Summary Report](#), there is an under supply of industrial and business park zoned land, in Lake Macquarie and the Hunter region. The proposed rezoning of 87 Oakdale Road from C3 Environmental Management to E4 General Industrial within the Gateshead industrial precinct will help to reduce the identified employment land shortage, create additional local jobs near existing centres, improve economic diversity and improve liveability within Lake Macquarie.

Community engagement and internal consultation

The planning proposal was publicly exhibited from the 25 March to 23 April 2024 in accordance with the Gateway Determination conditions. The planning proposal was exhibited on Council's Shape Lake Mac webpage and a total of five submissions were received. Three of the submissions objected to the proposed changes and two submissions supported the proposed changes. The concerns raised included traffic impacts, height of buildings and environmental impacts. A summary of the submissions and a response are presented in Attachment 1.

Agency consultation

As per the Gateway Determination conditions, Council consulted with the State agencies and the following comments were received.

Subsidence Advisory NSW

No objections were raised by the agency regarding the proposed LEP amendments. However, they advised that any future development applications would be subject to assessment and approval under relevant legislation and guidelines.

NSW Rural Fire Service (RFS)

NSW RFS raised no objections and advised that any future developments on the subject site must demonstrate compliance with the relevant provisions of the *Planning for Bushfire Protection 2019*.

Biodiversity Conservation Division (BCD)

No objections were raised, and BCD advised that the site did not contain sufficient native vegetation for the site to be identified on the *Biodiversity Values Map* to trigger the Biodiversity Offset Scheme (BOS). Any future development will be subject to Council assessment and consideration of biodiversity values.

Heritage NSW

Heritage NSW advised that the initial Aboriginal Cultural Heritage Assessment prepared for the planning proposal did not adequately address legislative requirements. A revised Aboriginal Cultural Heritage Assessment was prepared to the satisfaction of Heritage NSW.

Internal consultation

Council staff from various departments including but not limited to Asset Management, Environmental Systems, Development Assessment and Certification, and Community Partnerships provided input and advice during the assessment and preparation of the planning proposal.

Assessment of options

It is recommended that Council resolves to progress the planning proposal which will help to meet the current and future demand of employment land within Lake Macquarie in a central and well serviced location. This proposal will provide local jobs, enhance economic diversity, and will ensure that development opportunities are available for new businesses looking to establish in Lake Macquarie. This planning proposal aligns with both State and local strategic planning objectives to reduce the employment land shortage and improve economic diversity within Lake Macquarie.

Council can also decide to not proceed with the proposal. This is not recommended as the decision may have a negative impact on the availability of industrial land within the city and wider Hunter region. The current lack of industrial land supply will discourage businesses from operating within Lake Macquarie and will negatively impact economic diversity and growth.

Next steps

If Council endorses the recommendation, the amendment to the *LMLEP 2014* for 87 Oakdale Road Gateshead will proceed through the finalisation stages. Once the amendment to the *LMLEP 2014* is finalised, applications can be lodged to build industrial or other employment related developments.

Key considerations

Economic

The proposal will make available well-located employment land (especially industrial land) within Lake Macquarie close to existing industrial precinct and other centres.

The proposal will support development that is estimated provide 50 industrial related jobs and will help to address the undersupply of industrial land and contribute towards economic diversity and growth of the city.

Environment

A biodiversity assessment report and separate ecology review undertaken for the planning proposal identified that the site is mostly cleared of trees but does contain a handful of mature hollow bearing trees. The assessment also identified a similar number of trees in the adjacent road reserve. Any future development that may impact trees and native vegetation within the site or in the road reserve will require further assessment during a future development assessment process. Measures required avoid, minimise and/or offset any adverse impacts on biodiversity values will be addressed.

The subject site is identified as bushfire prone land. As per the recommendation of NSW RFS, any future development will be subject to additional bushfire assessment and must satisfy the relevant provisions of the *Planning for Bushfire Protection 2019*.

Due to the previous land uses on the site (mainly farming and storage of construction materials), any required remediation works to make the site suitable for employment land use will be assessed and conditioned as part of any future development application process.

The site is also located within a mine subsidence district and any future development on the site will require further assessment and approval from Subsidence Advisory NSW.

Community

The planning proposal will facilitate creation of more local jobs.

The site is located close to existing industrial, commercial, and residential precincts, which makes it easier for residents and businesses to access jobs and services. As a result, the planning proposal will positively contribute to improving liveability within the LGA.

It is noted that there is a dwelling located opposite the site. It is anticipated that any future development on the subject site will have sufficient separation from the site boundaries and include additional design measures (materials, landscaping, acoustic control and the like) to mitigate any land use conflict.

Civic leadership

The planning proposal will assist Council in achieving strategic objectives in the CSP, LSPS and broader strategic outcomes identified in the Hunter Regional Plan 2041.

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 site is close to existing utility services (roads, gas, sewer, power, water and communications). Connection to the relevant infrastructure will be resolved at development stage.

There are no known Council infrastructure assets identified within the vicinity that will be impacted by any future development on the subject site. Future development will be required to pay relevant development contributions towards local infrastructure and facilities.

Compliance

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

Legislative and policy considerations

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

Hunter Regional Plan 2041

Greater Newcastle Metropolitan Plan 2036

Lake Macquarie Local Strategic Planning Statement

Lake Macquarie Local Environmental Plan 2014

Attachments

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|----|--|-------------------------|-----------|
| 1. | Summary of Submissions - PP-2023-745 - 87
Oakdale Road Gateshead | | D11550035 |
| 2. | Planning Proposal - PP-2023-745 - Post Exhibition -
87 Oakdale Road Gateshead | Under separate
cover | D11550061 |

Attachment 1 – Summary of submissions – public exhibition of Planning Proposal for 87 Oakdale Road, Gateshead

Council received five submissions. The themes raised during the public exhibition have been summarised below, noting a single submission could include multiple themes. The summary below contains the issues raised and any recommendations made in the submissions.

Theme	Number of submissions	Council Response
<p>Height of Building and visual amenity</p> <p>Increase in building height will result in visual impacts. The sites slopes and there is a difference of approximately 18m from east to west and having an increase of building height at the highest elevation of the site is inconsiderate of the surrounding bush land.</p> <p>Requests that the building height be 8.5m instead of 15m.</p>	1	<p>The proposal seeks to amend the height of building control from 5.5m to 15m. Whilst the proposed new building height will allow future developments to be built up to a maximum of 15m it doesn't necessarily mean that future developments will be built up to 15m. Also, the building height is measured from the natural ground level and is consistent with the slope of the site. A building height of 15m is consistent with the adjoining industrial zoned land and is considered a suitable height to facilitate feasible development that is permitted in the industrial zone.</p> <p>It is noted that the height of most of the surrounding trees is approximately 14-15 meters tall. This means that any proposed development with a building height of 15m would be similar to the height of the surrounding trees.</p> <p>Furthermore, the Lake Macquarie DCP 2014 contains controls to ensure that developments respond to the surrounding natural and built context of the site. This matter will be further considered as part of any future development application.</p>
<p>Traffic</p> <p>Increase in traffic flow down Bulls Garden Road and cars do not obey existing speed limit.</p> <p>Requests new speed limits or speed humps to slow down traffic.</p>	1	<p>It is considered that the surrounding streets of Oakdale Road and Bulls Garden Road have capacity to accommodate any future traffic associated with a development on this site.</p> <p>Any future development will be required to consider and address traffic (and safety) during the development assessment stage where any required mitigation measures will be identified.</p> <p>NSW Police are responsible for setting speed limits and ensuring they are enforced.</p>
<p>Biodiversity values</p> <p>The planning proposal does not consider native animals and risk of displacement. Continued expansion into bushland setting a precedence for future development.</p>	1	<p>The planning proposal has been informed by a Biodiversity Assessment report and a separate independent ecological review. The planning proposal and associated biodiversity assessments have also been reviewed by the NSW Government's Biodiversity Conservation Division. The site is mostly cleared but does contain a handful of mature hollow bearing trees. Any future development will be required to undertake further investigations and include mitigation measures to minimise any adverse impacts on vegetation on the site.</p>

		Development is currently not permitted on land to the north and east of the site as it is zoned for conservation.
<p>Economic benefits Continued undersupply of employment land (especially industrial) will have an adverse impact on local economic growth of the LGA.</p> <p>Requests that Council to approve the proposed LEP amendments.</p>	2	The planning proposal has considered the economic, environmental, social, and cultural impacts on the region. It is recommended to Council to endorse the proposed LEP amendments.