

**Recommendations to the Development and Planning Standing Committee Meeting**

**Monday 12 August 2024**

<b>24DP016</b>	Endorsement of Planning Proposal - 130 Munibung Road Boolaroo
----------------	---

<b>Key focus area</b>	4. Diverse economy
<b>Objective</b>	4.5 New development and growth complement our unique character and sense of place, now and into the future
<b>File</b>	RZ/3/2022/COUNCILREPORTS - D11584271
<b>Author</b>	Senior Strategic Land Use Planner - Amber Vergot
<b>Responsible manager</b>	Manager Integrated Planning - Wes Hain
<b>Previous items</b>	23SP091 - Exhibition of Planning Proposal - 130 Munibung Road, Boolaroo - C2 Environmental Conservation to R2 Low Density Residential - Ordinary Council - 11 Dec 2023 6.30pm

**Executive summary**

**Address:** 130 Munibung Road, Boolaroo (Part of Lot 196 DP 1290647)  
30 Mackenzie Parade, Boolaroo (Part of Lot 195 DP 1290647)

**Owner:** GREENCAPITAL WEEMALA PTY LTD

**Proponent:** Hunter Development Brokerage Pty Limited

This report details the results of the public exhibition and state agency consultation and seeks Council’s endorsement of the planning proposal in Attachment 1.

The planning proposal will 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 C2 Environmental Conservation to R2 Low Density Residential.

The planning proposal was exhibited from 11 June to 9 July 2024 and three submissions were received. A summary of issues raised and staff responses are provided in Attachment 2. No changes were made to the planning proposal as a result of public exhibition.

**Recommendation**

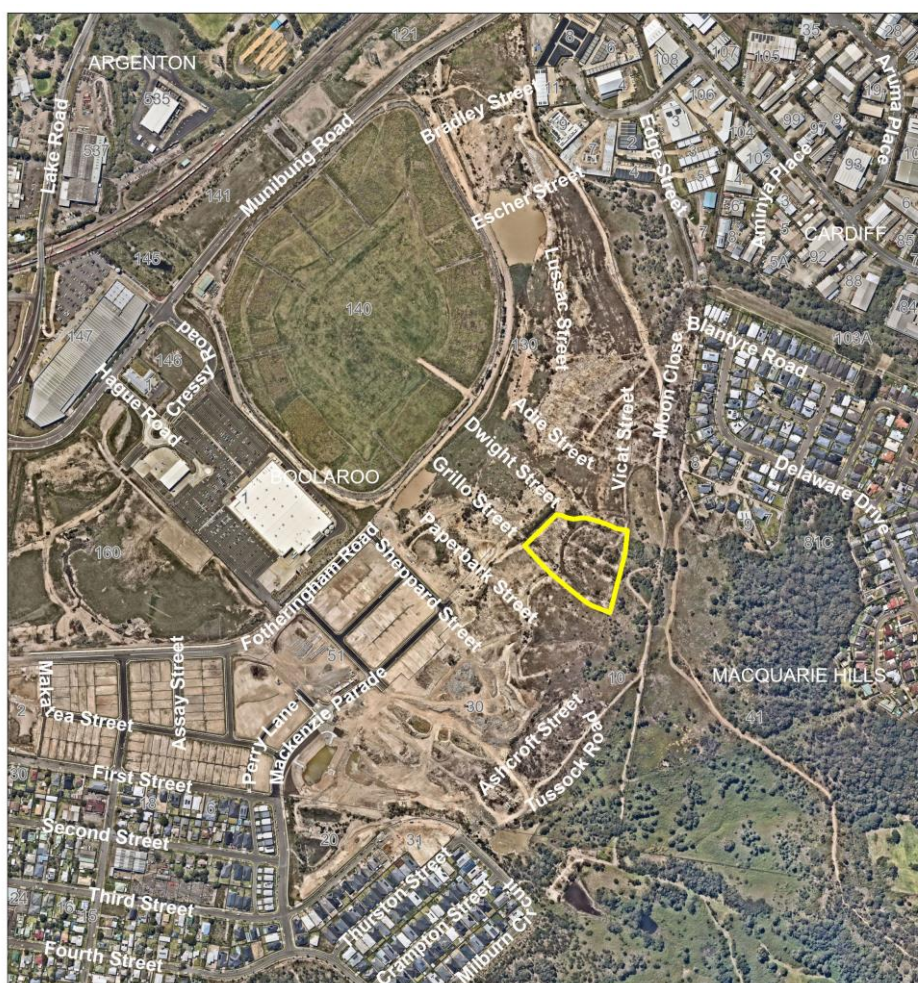
Council:

- A. notes the summary of submissions received during public exhibition contained in Attachment 2 and the outcomes of state agency consultation,
- B. endorses the planning proposal to amend the *Lake Macquarie Local Environmental Plan (LMLEP) 2014*, as provided in Attachment 1,

- C. makes the amendment to the *LMLEP 2014* under delegation granted by the Minister for Planning and Homes, pursuant to section 3.36 of the *Environmental Planning and Assessment Act 1979*, and
- D. notifies those who made a submission of Council’s decision.

**Context**

At its meeting on 11 December 2023 (23SP091), Council resolved to request a Gateway Determination and publicly exhibit a planning proposal to rezone part of 130 Munibung Road and part of 30 Mackenzie Parade, Boolaroo from C2 Environmental Conservation to R2 Low Density Residential in the *LMLEP 2014*. The planning proposal could facilitate 22 additional residential lots.



**Figure 1 – Location of subject land**

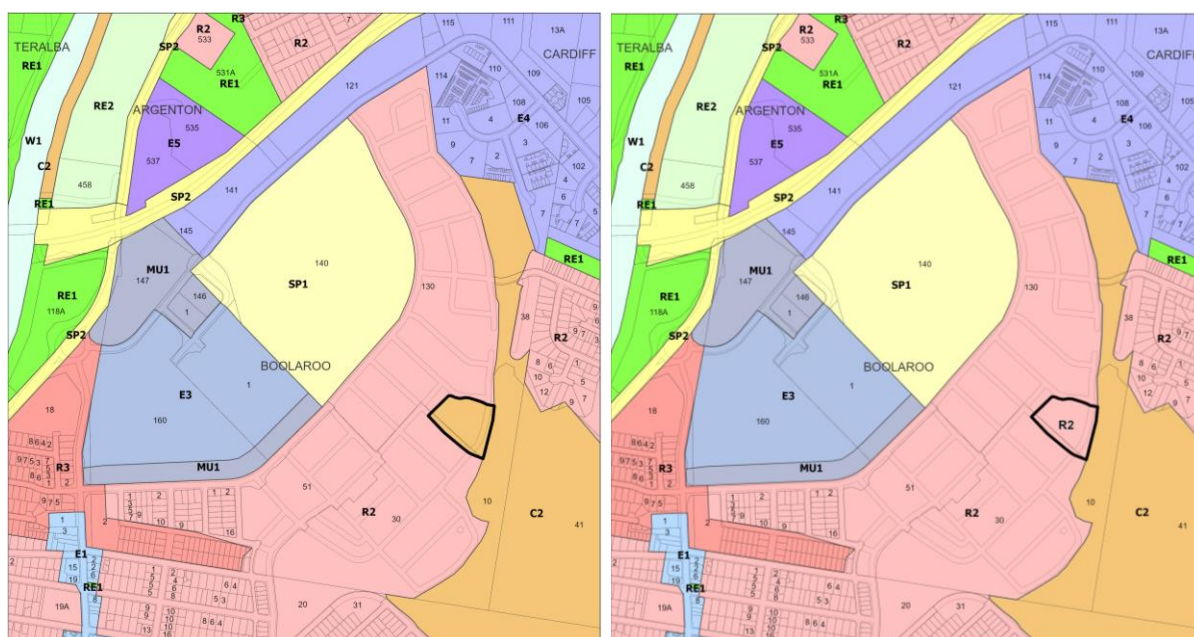
The site is located in the Lake Macquarie North West Catalyst Area which is an area identified for urban intensification in regional and local strategic plans. The site adjoins the approved Weemala residential subdivision, which is currently being developed.

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

## Discussion

The planning proposal aims to make the following changes to the *LMLEP 2014*:

- rezone the subject land from C2 Environmental Conservation to R2 Low Density Residential, as shown below in Figure 2
- increase the maximum building height from 5.5m to 8.5m on the the subject land
- amend the minimum lot size map from 40ha to 450m<sup>2</sup> on the the subject land.



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

The subject land has undergone extensive excavation as part of the remediation process following closure of Pasmenco Smelter and Incitec Fertiliser businesses. As a result, the vegetation on the land is highly degraded. The subject land is not required as a link in any vegetation corridors and is not included in the Munibung Hill Management Plan (2022).

The geotechnical assessment indicates the risk of slope instability on the subject land is low and that the site is suitable for the proposed residential development. A visual impact assessment concludes the visual impact of any future residential development will be minor to moderate, with development consistent with adjoining approved residential development. The impact on the road network will also be minimal.

The planning proposal is consistent with the goals of the Lake Macquarie Local Strategic Planning Statement (LSPS) and Housing Strategy, as it will facilitate housing within 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, and a logical extension to, the surrounding residential zoned land to the west, north and south, which is part of the approved Weemala residential subdivision.

## Community engagement and internal consultation

The planning proposal was publicly exhibited between 11 June to 9 July 2024 in accordance with the Gateway Determination. Notification letters were sent to 195 surrounding property

owners and residents. The planning proposal was also advertised on the Shape Lake Mac website and e-newsletter.

The planning proposal was viewed 322 times and downloaded 39 times. A total of three submissions were received as part of public exhibition. The key concerns raised in the submissions related to traffic impacts and loss of conservation zoned land. The concerns raised have been addressed in Attachment 2.

### **Agency consultation**

In accordance with the Gateway Determination, consultation was undertaken with the NSW Rural Fire Service (RFS), Department of Environment and Heritage – Biodiversity and Conservation Division (BCD), Biraban Local Aboriginal Land Council (LALC) and Awabakal Descendants Traditional Owners Aboriginal Corporation.

RFS and BCD raised no concern with the planning proposal. Further detailed assessment regarding any bushfire impacts will occur in conjunction with any future development application based on the specific development design proposed at that time.

The Awabakal Descendants Traditional Owners Aboriginal Corporation advised that previous comments provided during consultation for the Munibung Hill Management Plan were still applicable. These comments related to protection of the cultural significance of Munibung Hill, mapped Sensitive Aboriginal Cultural Landscapes, walking tracks, bush regeneration and avoidance of rock overhangs and Aboriginal objects.

The subject site has previously been significantly disturbed due to past operations of the Pasmenco smelter and subsequent contamination remediation. Investigations undertaken for the planning proposal did not identify any Aboriginal sites being recorded in or near the subject site. The investigations also highlight that no Aboriginal places have been declared in or near the subject site. The subject land sits outside the Munibung Hill Management Plan area and does not include any land mapped as Sensitive Aboriginal Cultural Landscapes.

No response was received from the Biraban LALC.

Consultation with agencies did not result in any changes to the planning proposal.

Internal consultation was undertaken with Council's Development Assessment and Certification, Asset Management, Environmental Systems, Integrated Planning and Community Partnerships departments.

### **Assessment of options**

The planning proposal is consistent with the Lake Macquarie LSPS and Housing Strategy. Endorsing the planning proposal will facilitate housing within close proximity to existing infrastructure and services within the Lake Macquarie North West Catalyst Area. The proposed residential zone would be consistent with, and a logical extension to, the surrounding residential zoned land to the west, north and south, which is part of the approved Weemala residential subdivision. This is the recommended option.

Alternatively, Council can choose not to proceed with the planning proposal. This is not recommended, as it would be contrary to the housing goals outlined in the LSPS and Housing Strategy.

## Key considerations

---

### Economic

---

The planning proposal is anticipated to have positive economic impacts, including construction-related employment opportunities and ongoing investment in the local economy and viability of local businesses. The recommendation will facilitate the delivery of approximately 22 additional residential lots adjacent to an approved residential subdivision in Boolaroo.

---

### Environment

---

Environmental planning matters such as biodiversity, bushfire, slope stability, visual impact, cultural heritage 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 use. 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 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 supply 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 Pasmenco site has undergone both remediation and development preparation which has included the provision of roads, electricity, stormwater, water and sewerage infrastructure. The subject land is located close to public transport infrastructure. Future development of the subject site will connect to the existing infrastructure networks which have capacity to accommodate the development of this site. 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

Lake Macquarie Local Strategic Planning Statement

Lake Macquarie Housing Strategy

Lake Macquarie Development Control Plan 2014

## Attachments

- |    |   |                      |           |
|----|---|----------------------|-----------|
| 1. | Planning proposal - RZ/3/2022 - 130 Munibung Road Boolaroo                        | Under separate cover | D11601882 |
| 2. | Summary of public exhibition submissions - RZ/3/2022 - 130 Munibung Road Boolaroo |                      | D11601867 |

**Attachment Two: Summary of public submissions received – Planning Proposal – 130 Munibung Road, Boolaroo**

Submission from resident	Summary of submission	Comments
<p>Boolaroo</p>	<p>The current road infrastructure will not accommodate any further housing in the local area.</p>	<p>The planning proposal seeks to increase the residential capacity of the approved Weemala development by up to 22 lots. Applying the standard trip generation per dwelling metric, the anticipated increase in traffic would be distributed across the current road network.</p> <p>Council's Asset Management staff have advised that given the limited size of the development and likely dwelling yield, the impact on the road network will be minimal and therefore a Traffic Impact Assessment is not required at the rezoning stage.</p> <p>The need for a Traffic Impact Assessment will be further considered at development application (DA) stage.</p> <p><b>Outcome:</b> No changes to the planning proposal.</p>
<p>Cardiff South</p>	<p>If the site has low conservation value, land should be rezoned to medium density given proximity to shops and the need for more housing.</p>	<p>An Ecological Assessment was undertaken for the planning proposal. This assessment found the extent of native vegetation within the site is highly degraded and there are no biodiversity values within the site.</p> <p>The proposed change of zone to R2 low density residential will facilitate development of infill housing types consistent with the intended future character of the area and the low-density zoning that applies to the surrounding lands. The R2 zone permits a range of development types including dual occupancies.</p>

Submission from resident	Summary of submission	Comments
		<p>Given the topography and location of the subject site being approximately 950m from Cockle Creek railway station and 1km from Boolaroo local shops, it is considered that a medium density zone is not appropriate. The subject land falls outside the area affected by the state governments Transport Orientated Development (TOD) State Environmental Planning Policies (SEPP) and the proposed low-mid rise housing provisions.</p> <p><b>Outcome:</b> No changes to the planning proposal.</p>
Munibung Hill Conservation Society	<p>The key concern raised was further reduction in environmental conservation zoned land.</p> <p>The submission requested that the following measures be considered at the time of development assessment: access, green corridors, solar access, urban heat, harm minimisation, landscaping and indigenous heritage.</p>	<p>The ecological report undertaken for the planning proposal found that the site is highly degraded and there are no biodiversity values within the site.</p> <p>This rezoning of this site does not impede current and proposed access to Munibung Hill, by maintaining current access from Milburn Circuit and future access as identified in Council's Walking, Cycling and Better Streets Strategy 2031. The planning proposal acknowledges that any future development will need to include appropriate provision for walking and cycling and connection to existing networks in accordance with Council's Walking, Cycling and Better Streets Strategy 2031 and the Hunter Regional Transport Plan.</p> <p>The site is surrounded to the north, west and south by residential zoned land, and there are no identified links to other green corridors or spaces.</p>



Submission from resident	Summary of submission	Comments
		<p>Solar access, urban heat, harm minimisation and landscaping are matters that will be considered as part of the DA process.</p> <p>Cultural heritage investigations undertaken for the planning proposal did not identify any Aboriginal sites being recorded in or near the subject site. The investigations also highlight that no Aboriginal places have been declared in or near the subject site. Consultation occurred with the Awabakal Descendants Traditional Owners Aboriginal Corporation and Biraban Local Aboriginal Land Council (LALC) as part of the development of the Munibung Hill Management Plan (2022) and planning proposal process, and no specific requirements were identified for this site.</p> <p><b>Outcome:</b> No changes to the planning proposal.</p>