



# PLANNING PROPOSAL

1496 Hue Hue Road and 106 Wyee  
Road, Wyee

**Public Exhibition - October 2024**

Proposed amendments to Lake Macquarie Local Environmental Plan 2014. The planning proposal explains the intended effect of the proposed changes and provides justification for the proposal.

## ACKNOWLEDGEMENT OF COUNTRY

***Lake Macquarie City Council dhumaan Awabakala ngarrakal yalawaa, yalawan, yalawanan.***

Lake Macquarie City Council acknowledges the Awabakal people and Elders past, present and future.

***Dhumaan ngayin ngarrakalu kirraanan barayidin.***

We remember and respect the Ancestors who cared for and nurtured this Country.

***Ngarrakalumba yuludaka bibayilin barayida baaduka.***

It is in their footsteps that we travel these lands and waters.

Wording by the Aboriginal Reference Group. Translated by Miromaa Aboriginal Language and Technology Centre

# Contents

<b>Summary table</b>	<b>5</b>
<b>Introduction</b>	<b>7</b>
<b>Part 1 – Objectives and intended outcomes</b>	<b>12</b>
<b>Part 2 – Explanation of provisions</b>	<b>12</b>
<b>Part 3 – Justification of strategic and site-specific merit</b>	<b>14</b>
<b>Section A – need for the planning proposal</b>	<b>14</b>
<b>Section B – relationship to the strategic planning framework</b>	<b>16</b>
Consistency with regional plans and strategies	16
Consistency with local plans and strategies	17
Consistency with other applicable State and regional studies and strategies	20
Consistency with State Environmental Planning Policies (SEPPs)	20
Consistency with Ministerial Directions (section 9.1 Directions)	21
<b>Section C – environmental, social and economic impact</b>	<b>23</b>
Environmental impact	23
Social and economic impact	26
<b>Section D – Infrastructure (Local, State and Commonwealth)</b>	<b>31</b>
Impact on public infrastructure	31
<b>Section E – State and Commonwealth interests</b>	<b>33</b>
Views of state and federal authorities and government agencies	33
<b>Part 4 – Mapping</b>	<b>37</b>
Map 1 – Locality	37
Map 2 – Aerial	38
Map 3 – Existing Land Zoning Map	39
Map 4 – Proposed Land Zoning Map	40
Map 5 – Existing Height of Buildings Map	41
Map 6 – Proposed Height of Buildings Map	42
Map 7 – Existing Lot Size Map	43
Map 8 – Proposed Lot Size Map	44
<b>Part 5 – Community Consultation</b>	<b>45</b>
<b>Part 6 – Project Timeline</b>	<b>46</b>
<b>Attachment 1 - Consistency with the Hunter Regional Plan 2041</b>	<b>47</b>
<b>Attachment 2 – Consistency with State Environmental Planning Policies (SEPPs)</b>	<b>54</b>



## Summary table

Summary	Details
<b>Name of draft LEP:</b>	Lake Macquarie Local Environment Plan 2014
<b>Subject land:</b>	1496 Hue Hue Road, Wyee (Lot 282 DP 755242) 106 Wyee Road, Wyee (Lot 281 DP 6559927)
<b>Proponent:</b>	Wyee Market Place Holdings Pty Ltd C/-- SJB Planning
<b>Landowner:</b>	106 Wyee Road, Wyee: S R Hogeveen, P D Hogoveen, R J Marshall and R A Catania 1496 Hue Hue Road, Wyee: M L Bull and P L Douglas
<b>Council reference:</b>	RZ/4/2024
<b>Planning portal reference:</b>	PP-2024-477
<b>Stage:</b>	Public Exhibition
<b>Date:</b>	2 October 2024
<b>Author:</b>	Logan Rigby – Economic Strategist
<b>Supporting studies:</b>	<ol style="list-style-type: none"> <li>1. Nettletontribe, 2023. Urban Design Report</li> <li>2. WGA, 2024. Traffic Impact Assessment</li> <li>3. GapAdvisory, 2023. Economic Need and Impact Assessment</li> <li>4. Foundation Earth Sciences, 2024. Acid Sulphate Soil Assessment</li> <li>5. SJB Planning, 2024. Appendix C – Land Use Conflict Risk Assessment</li> <li>6. ING Consulting Engineers Pty Ltd, 2024. Stormwater Management Report</li> <li>7. Aspire Sustainability Consulting, 2024. Preliminary ESD Advice for Planning Proposal</li> <li>8. Infrastructure &amp; Development Consulting, 2024. Utilities Infrastructure Assessment</li> <li>9. Travers Bushfire &amp; Ecology, 2024. Ecological Assessment Report</li> <li>10. SJB Planning, 2024. Planning Proposal</li> <li>11. Foundation Earth Sciences, 2024. Preliminary Site Investigation</li> </ol> <p>Supporting studies are not attached to the proposal due to their size. They can be provided on request or are available on the NSW Planning Portal following Gateway Determination.</p>

## Document Revision

Version	Date	Author	Details
1	June 2024	Logan Rigby	Version for Council resolution to proceed to Gateway determination
2	October 2024	Logan Rigby	Version for Public Exhibition

## Introduction

This planning proposal explains the intended effect of, and the justification for amendments to the *Lake Macquarie Local Environmental Plan 2014* (LMLEP) in relation to 1496 Hue Hue Road and 106 Wyee Road, Wyee (the site). The amendments are:

- Amend the Land Zoning (LZN) Map to rezone the site from RU4 Primary Production Small Lots to E1 Local Centre.
- Amend the Height of Building (HOB) Map on the site from 8.5m to 15m.
- Amend the Lot Size Map (LSZ) Map on the site from 1ha to no minimum lot size.

The planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the NSW Government's 'Local Environmental Plan Making Guideline'<sup>1</sup> (LEP Making Guideline).



A **planning proposal** explains how and why a Local Environmental Plan (LEP) is proposed to be changed. An LEP is a legal document that sets the rules for land use and development in a local government area. The *Lake Macquarie Local Environmental Plan 2014* provides the framework for land use in Lake Macquarie. LEPs are made by councils and approved by the state government.

A planning proposal is written for a wide audience: local and state government, experts in a range of fields and our community members. While a planning proposal needs to include technical terms, we aim to explain matters so they can be understood by everybody. We have added explanations of common terms and processes where appropriate.

A planning proposal can be initiated by a proponent or the council. The planning proposal describes the proposed changes, the expected outcomes, the possible impacts and the reasons for making the changes.

The 'Local Environmental Plan Making Guideline' provides a detailed description of the complete LEP Making process, including description of each stage, who is involved in the process and their roles and responsibilities. While its main purpose is to assist and guide councils, communities, state agencies, proponents and practitioners, it is a good place to start for anyone interested in learning more about planning proposals.

## Background

This is a proponent-initiated planning proposal which seeks to amend provisions of the LMLEP in relation to the site to support future development of the local economic centre of Wyee.

The established Wyee neighbourhood centre is 300m to the east of the site. Wyee local centre has a range of shops and services including a small supermarket, pharmacy, bakery, medical centre and take away food restaurant. There is also some E1 Local Centre zoned land located on the opposite side of Wyee Road to the northeast, which contains a plant nursery and landscape supply business and a petrol station.

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<sup>1</sup> <https://www.planning.nsw.gov.au/sites/default/files/2023-03/lep-making-guideline.pdf>

The proponent has suggested that the existing local centre is constrained from expansion due to being surrounded by existing residential development to the north and east, and the primary school to the west.

### Site Description

The subject site includes 1496 Hue Hue Road (Lot 282 DP 755242), and 106 Wye Road, Wye (Lot 281 DP 6559927) (Refer Figure 1). The site proposed to be rezoned has an area of 14,161m<sup>2</sup>, with a direct frontage of approximately 141m to Hue Hue Road and 101m to Palara Road. The site is occupied by two single storey residential dwellings and associated structures.



Figure 1: Figure showing subject site.

Source: Lake Macquarie City Council, 2024. LakeMaps.





Figure 2: subject site and surrounding locality.

Source: Lake Macquarie City Council, 2024. LakeMaps.

## Land use Planning Context

The site is located approximately 1km west of Wye Train Station, which connects Wye to both Newcastle and Sydney. Two bus routes pass the site along Wye Road, which connect Wye to the localities of Lake Haven to the south and Wangi Wangi to the north. There are no formalised pedestrian pathways surrounding the site.

The site is currently zoned RU4 Primary Production Small Lots under the LMLEP. 1496 Hue Hue Road, and 106 Wye Road are currently used for rural residential living, with two existing dwellings with ancillary building, and managed lawns comprising the majority of the properties. There is a small dam located on the northern corner of 1496 Hue Hue Road. Existing trees and vegetation are concentrated on the eastern portion of the site at 106 Wye Road.

Land to the north and west of the site is also zoned RU4 Primary Production Small Lots and is of a similar rural living character. A landscape supplies business adjoins the northern edge of the site.

Land to the southwest of the site is currently being developed in accordance with the Wye West Area Plan and will provide approximately 1,400 dwellings. This area includes the Radcliffe Estate which is in the process of being developed.

A planning proposal seeking to rezone land from RU2 Rural Landscape to R2 Low Density Residential and C2 Environmental Conservation as 1377 Hue Hue Road is currently being progressed. The planning proposal would support an additional 40 to 50 lots adjacent to the Radcliffe Estate.

Land to the southeast of the site, across Hue Hue Road, is zoned RE1 Public Recreation and incorporates Wye Community Hall Reserve. This land has been identified by Council as supporting a potential future expanded community and recreation hub. The property address 1499 Hue Hue Road is included in this zoning and is privately owned. The property is identified in the LMLEP for Land Reservation Acquisition for the purposes of Local Open Space.

## Document structure – how to read this document.

This planning proposal is structured in six parts in accordance with the LEP Making Guideline:

<b>Part 1 – Objectives and intended outcomes</b>	Describes what is intended to be achieved by the proposal.
Error! Not a valid result for table.	Describes how the LEP is proposed to be changed.
<b>Part 3 – Justification of strategic and site-specific merit</b>	Describes how the proposal aligns with the strategic planning framework, the potential environmental, social and economic impacts and measures to lessen any harmful impacts.
<b>Part 4 – Mapping</b>	Shows the spatial intent of the planning proposal and the area to which it applies.
<b>Part 5 – Community Consultation</b>	Describes consultation requirements and outcomes with state agencies, authorities and the community.
<b>Part 6 – Project Timeline</b>	Describes the anticipated timeframe for completing the planning proposal.

## Part 1 – Objectives and intended outcomes

### Objective

To amend the LMLEP to facilitate potential future commercial development on the site.

### Intended outcomes

The planning proposal would make permissible development for the purposes of expanding the Wyee local centre with a range of potential commensurate land uses, such as a supermarket, speciality retail, medical offices, childcare centre, gym, etc.

## Part 2 – Explanation of provisions

The objective will be achieved by amending the LMLEP 2014 as it relates to the site. The amendments are:

- Amend the Land Zoning (LZN) Map from RU4 Primary Production Small Lots to E1 Local Centre.
- Amend the Height of Buildings (HOB) Map from 8.5m to 15m.
- Amend the Lot Size Map (LSZ) Map from 1ha to no minimum lot size.

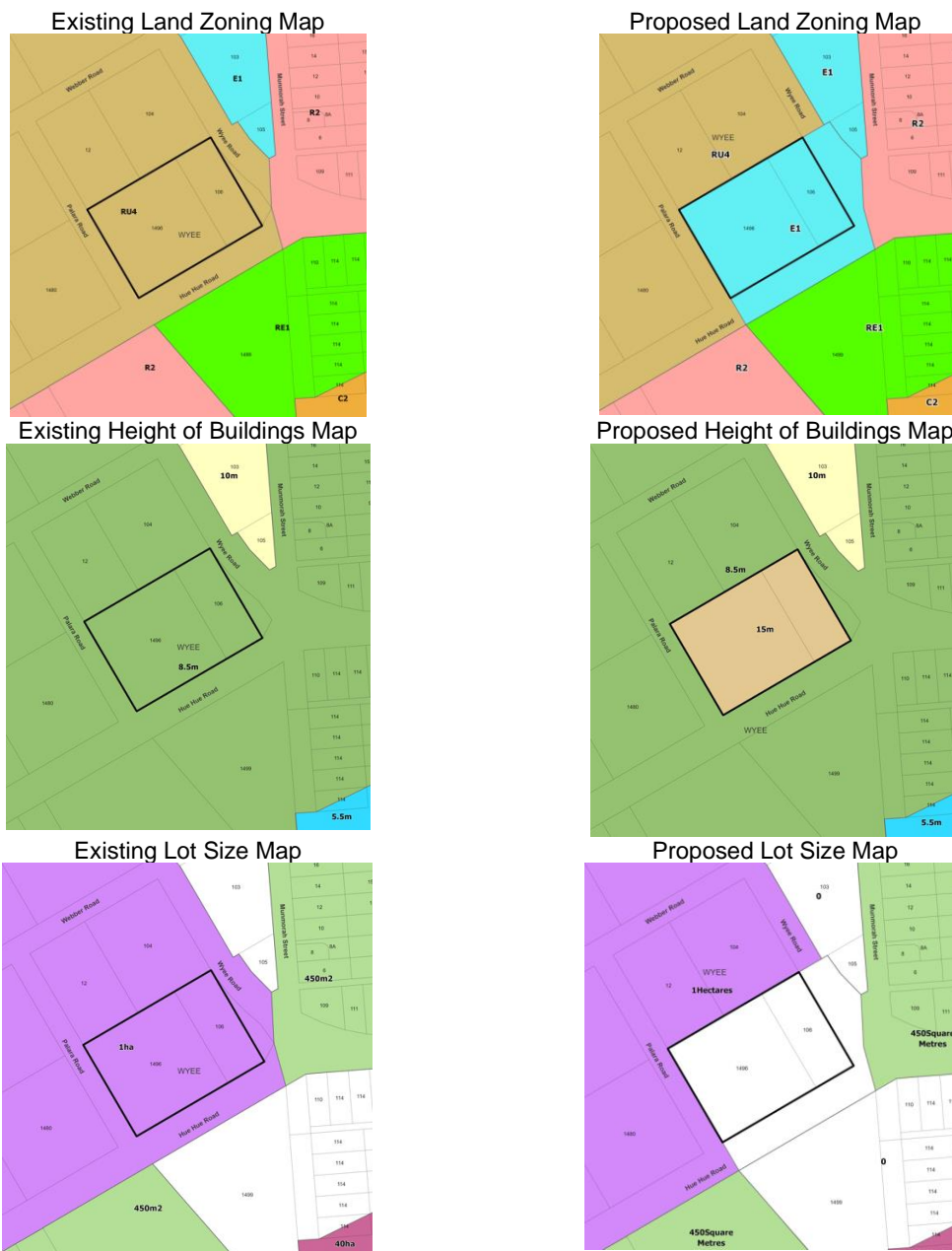


Figure 3 Thumbnail mapping of proposed changes to the Land Zoning, Height of Buildings, and Lot Size maps

## Part 3 – Justification of strategic and site-specific merit



This part of the planning proposal contains a detailed assessment and justification for the proposal.

Sections A and B describe how the proposed amendment aligns with the strategic planning framework such as regional plans and government priorities to ensure that the proposal has strategic merit.

Sections C, D, and E identify potential environmental, social, and economic impacts of the proposal, any proposed measures to reduce negative impact, as well as the views of state and federal authorities and government agencies. In this way the planning proposal is to demonstrate that the proposal is suitable for the site and the site is (or can be made) suitable for the resultant development.

### Section A – need for the planning proposal

#### 1. Is the planning proposal a result of an endorsed Local Strategic Planning Statement (LSPS), strategic study or report?

The planning proposal is a proponent-initiated planning proposal and is not a direct action of an endorsed LSPS, strategic study, or report.

The Lake Macquarie City LSPS identifies the site as being within the Wyee urban intensification area, being noted for its potential to support opportunities for urban development. The planning proposal is consistent with the LSPS identified objective for Wyee:

*“The service role of the local centre is reinforced with an increase in services to cater for the growing population.”*

The site was included in Council’s Review and Strategy for RU4 Primary Production (Small Lots) Zoned Land (endorsed 28 August 2023). The Review and Strategy assessed RU4 zoned land across the LGA to determine its potential for future urban uses.

The Review and Strategy notes the following for land RU4 land in Wyee, including the site:

*“Consideration could be given to proponent-initiated scoping proposals for urban development that include an appropriate grouping of sites with landowner support and exclude areas subject to flooding and areas affected by other environmental constraints.”*

It should be noted the Review and Strategy has produced a tool to measure land suitability, however further investigation is required to assess the capability of each site, having regard to environmental, social, and economic considerations.

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

Yes. There are no other suitable options available to achieve the objectives and intended outcomes of the planning proposal. Rezoning the site to E1 Local Centre will enable development consistent with the adjoining local centre land uses and responsive to the site constraints. If the land is not rezoned, a well-placed site will not have the opportunity to achieve the most optimal land use.

In consideration of this decision, the following options were considered:

Option 1: Incorporating the site as a site subject to Schedule 1 Additional permitted uses under the LMLEP to permit specific development/s for the purposes of achieving the objectives and intended outcomes of the planning proposal.

This approach would enable development on the site for the purposes of expanding the Wyee local economic centre under current zoning. This option is not recommended as it would permit development that would otherwise be inconsistent with the objectives of Zone RU4 Primary Production Small Lots.

Option 2: Amend the LMLEP land use table for RU4 Primary Production Small Lots to permit specific development/s for the purposes of achieving the objectives and intended outcomes of the planning proposal.

This approach would enable development on all RU4 Primary Production Small Lots land for the purposes of supporting a local economic centre. This option is not recommended as it would permit development that would otherwise be inconsistent with the objectives of Zone RU4 Primary Production Small Lots.

Option 3: Amend the land use zone applying to the site from RU4 Primary Production Small Lots to a land use zone other than E1 Local Centre, which supports the development of land uses comparable to those provided under the E1 Local Centre zone.

This approach would permit development for the purposes of expanding the Wyee local economic centre. An alternative land use is not recommended as the E1 Local Centre zoning is the best land use zone for achieving the objectives and intended outcomes of the planning proposal.

## Section B – relationship to the strategic planning framework

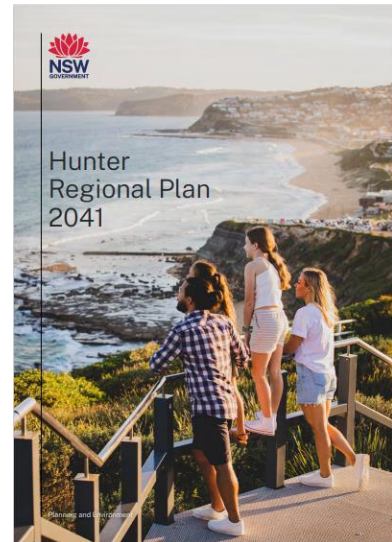
### Consistency with regional plans and strategies

- 3. 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)?**

#### **Hunter Regional Plan 2041 (HRP 2041)**

The HRP 2041 is a 20-year land use strategy to guide land use planning decisions for the Hunter region. The plan sets the strategic land use framework for continued economic growth, sustainable development and diversification in the region.

The HRP 2041 contains nine objectives and identifies strategies to achieve each objective. A planning proposal must be consistent with an identified strategy or demonstrate how the relevant performance outcomes will be achieved.





Attachment contains an assessment of the planning proposal against these strategies.

As demonstrated in Attachment 1, the planning proposal is **consistent** with the relevant objectives detailed in the HRP 2041.

The consistency of the planning proposal with HRP 2041 was further justified during post-gateway agency referrals and is detailed in **Section E – State and Commonwealth interests**.

### **Greater Newcastle Metropolitan Plan 2036 (GNMP 2036)**

The Greater Newcastle Metropolitan Plan 2036 was launched on 17 September 2018. The plan sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle.

Wyee is located in the defined area for the ‘Metro Core’ where “People living in the metro core will enjoy a cosmopolitan lifestyle focused around strong local communities, jobs and services, with a range of recreational opportunities in parks and reserves between the coast and adjoining hinterland.

The planning proposal is consistent with the GNMP 2036 vision for the Metro Core.



## Consistency with local plans and strategies

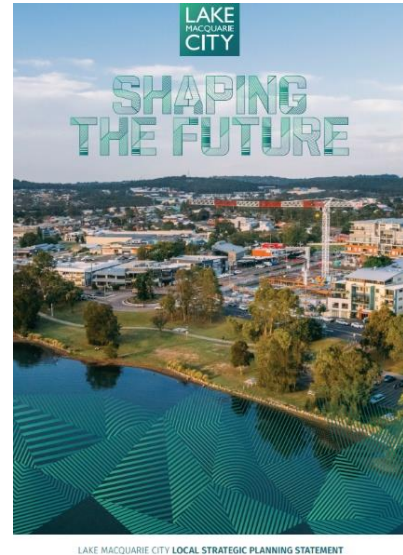
### 4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

#### Lake Macquarie Local Strategic Planning Statement (LSPS)

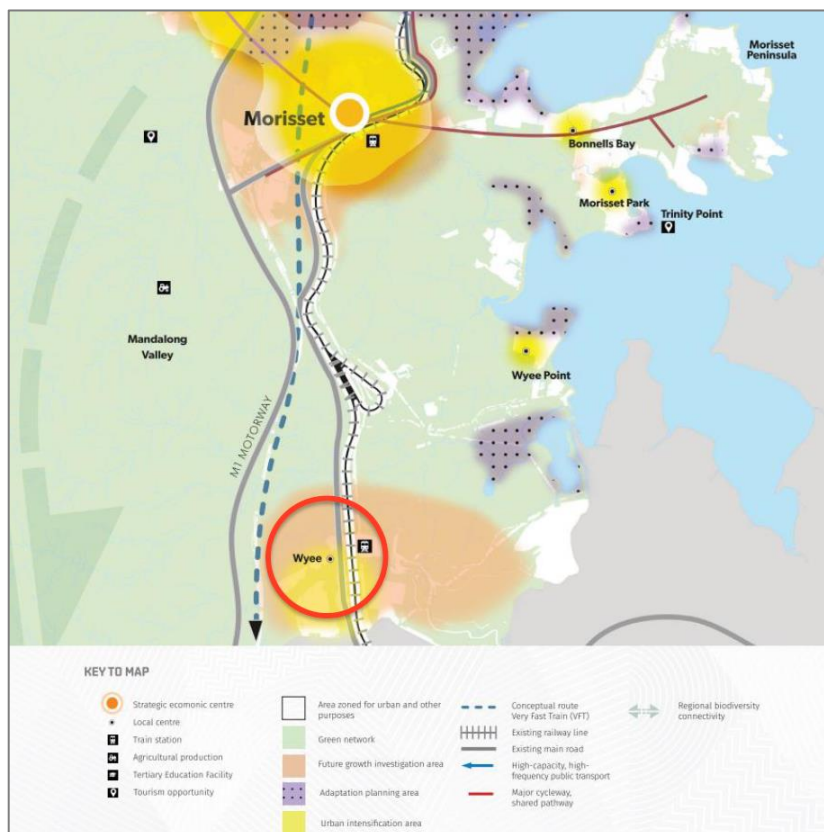
The Local Strategic Planning Statement (LSPS) locates the subject site as being located in an urban intensification area within the South West Growth Area (Refer **Figure 4**).

The following objectives for Wyee are detailed in the LSPS:

- The service role of the local centre is reinforced with an increase in services to cater for the growing population.
- Additional residential areas are developed with a range of housing types, particularly near the local centre and railway station while maintaining local ecological corridors.
- High-amenity cycle and pedestrian linkages run between new residential, recreation, and commercial areas and the train station.
- Mannering Creek and its riparian corridors are rehabilitated and conserved.
- Quality recreational areas are provided to cater for the growing community.



The planning proposal seeks to provide for an expanded service role in the local centre to cater for a growing population. The proposal is therefore consistent with the LSPS.



**Figure 4: Extract of Lake Macquarie LSPS South-West Growth Area Map**

Part 3 – Justification of strategic and site-specific merit

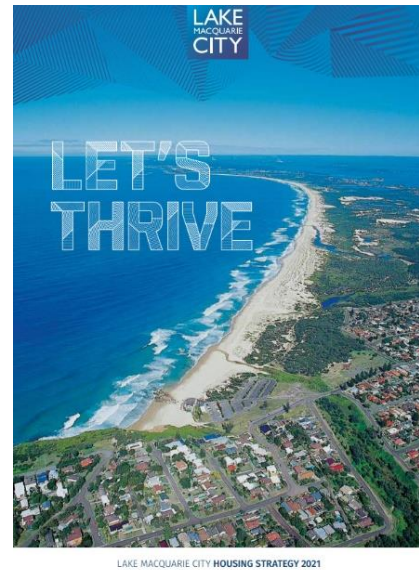
## Lake Macquarie Housing Strategy 2021

The Lake Macquarie City Housing Strategy (Housing Strategy) provides a long-term approach to the delivery of quality housing in the Lake Macquarie Local Government Area. The Housing Strategy identifies Wyee as part of the South West Growth Area and includes an objective to complete housing release areas around Wyee.

Strategy action 3.6 specifies the following:

*“Identify primary production small lot zoned land that is not required for primary production purposes and is well located to town centres for future investigation for urban release”*

This action has been completed under Council’s Review and Strategy for RU4 Primary Production (Small Lots) Zoned Land (endorsed 28 August 2023). As it relates to the site, the planning proposal is consistent with the findings of the Review and Strategy (refer below) and is therefore also consistent with the Housing Strategy.



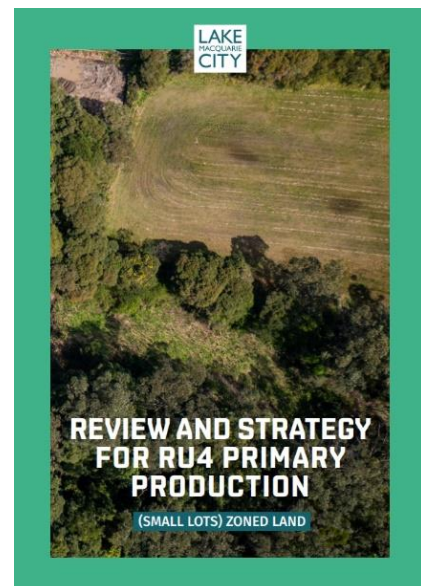
## Review and Strategy for RU4 Primary (production (Small Lots) Zoned Land

The site and surrounding area was included in Council’s Review and Strategy for RU4 Primary Production (Small Lots) Zoned Land (endorsed 28 August 2023). The Review and Strategy assessed RU4 zoned land across the LGA to determine its potential for future urban uses.

The Review and Strategy notes the following for RU4 land in Wyee including the site:

*“Consideration could be given to proponent-initiated scoping proposals for urban development that include an appropriate grouping of sites with landowner support and exclude areas subject to flooding and areas affected by other environmental constraints.”*

The site qualifies for consideration of a proponent-initiated planning proposal to support urban development. The subject site is additionally not considered to be significantly constrained rendering it potentially unsuitable for future urban development. The planning proposal is therefore consistent with the Review and Strategy.



## Lake Macquarie Development Control Plan: Part 12 – Precinct Area Plans – Wyee West

The Wyee West Area Plan was prepared and incorporated into the Lake Macquarie Development Control Plan 2014 (LMDCP 2014) in 2021. It provides a framework for managing residential development in the area. The site is located adjacent to the Wyee West Area Plan at its northern extent along Hue Hue Road (Refer Figure 5). While the site is not included in the area plan it is included for consideration in this planning proposal.

The area plan is principally associated with the Radcliffe Estate Development constituting 850 lots (now reduced to 695 because of design changes), the Wyee West Paper Subdivision, and medium density residential land adjacent to Wyee Train Station.

The Wyee West Area Plan considers the structure of the area, and potential land uses such as environmental conservation, open space, and residential development. However, it does not designate land for potential use as a local economic centre. It is therefore not considered that the planning proposal conflicts with the desired future character of the area.

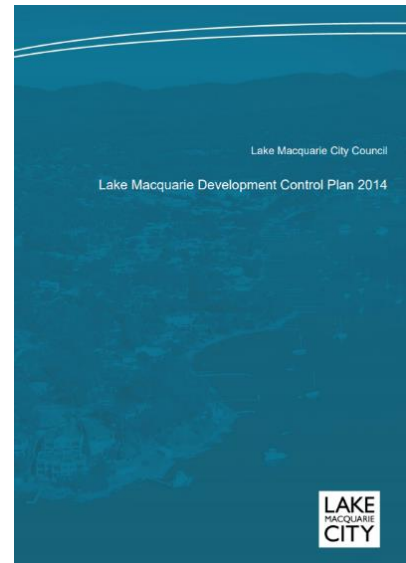


Figure 5: Extract of the Wyee West Structure Plan showing the site.

## Consistency with other applicable State and regional studies and strategies

### **5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

If the planning proposal proceeds to finalisation, it will expand the geography of the local economic centre of Wyee. The planning proposal will therefore likely impact on the application of the proposed “Changes to create low- and mid-rise housing”<sup>2</sup> currently being considered by the Department of Planning, Housing and Infrastructure.

While the instrument associated with the proposed changes have not yet been revealed by the Department, it is considered that there is nothing contained within the planning proposal which would be inconsistent with, or limit the application of, the low- and mid-rise housing reform.

The proposed E1 Local Centre zone additionally does not exclude residential accommodation opportunities on the site, so long as any environmental constraints relating to the site and the future proposed development are appropriately managed.

## Consistency with State Environmental Planning Policies (SEPPs)

### **6. Is the planning proposal consistent with applicable State Environmental State Environmental Planning Policies (SEPPs)?**

SEPPs apply across the state and deal with matters of state or regional planning significance. The proposal is generally consistent with all relevant SEPPs as detailed in Attachment 2.

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<sup>2</sup> Refer: <https://www.planning.nsw.gov.au/policy-and-legislation/housing/diverse-and-well-located-homes>

## Consistency with Ministerial Directions (section 9.1 Directions)

### 7. Is the planning proposal consistent with the applicable Ministerial Directions (section 9.1 Directions)?

The Minister issues Local Planning Directions that councils must follow when preparing a planning proposal. **Attachment 3** – Consistency with S9.1(2) Local Planning Directions, contains Council's assessment of the planning proposal against all relevant directions.

The Gateway Determination issued by the Department of Planning, Housing and Infrastructure on 15 August 2024 has additionally identified that Council refer the planning proposal to the relevant authorities with respect to consistency with section 9.1 Directions:

- 1.1 Implementation of Regional Plans,
- 3.1 Conservation Zones,
- 4.3 Planning for Bushfire Protection,
- 5.1 Integrating Land Use and Transport,
- 8.1 Mining, Petroleum Production and Extractive Industries, and
- 9.1 Rural Zones

Outcomes from agency consultation justifying consistency with the above directions is included in **Section E – State and Commonwealth interests**.

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Council, in its' pre-Gateway version of the planning proposal has identified that the proposal is inconsistent with the terms of the following Direction/s, with consideration provided to the relevant consistency objectives:

#### **Direction 9.1 Rural Zones**

The planning proposal is inconsistent with the application of Direction 9.1(1)(a) as it will rezone land from a rural zone to an employment zone.

A justification of the inconsistency of this direction is provided:

#### **Consistency provision:**

*(a) justified by a strategy approved by the Planning Secretary which:*

- i. gives consideration to the objectives of this direction, and*
- ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites),*

#### **Comment:**

The planning proposal is not justified by a strategy approved by the Planning Secretary.

#### **Consistency provision:**

*(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction,*

#### **Comment:**

Council's Review and Strategy for RU4 Primary Production (Small Lots) Zoned Land identifies that the dominant land use in the surrounding area is large lot residential, and that the area would be suitable for future urban development. It is therefore expected that the planning proposal would not adversely impact the agricultural production of rural land

In addition, a Land Use Conflict Risk Assessment, prepared and supplied by the proponent in accordance with the Land Use Conflict Risk Assessment Guide<sup>3</sup>, notes that:

*“There is little to no risk of conflict between the proposed commercial rezoning of the site and the surrounding land uses, including rural residential and the commercial uses – landscape supplies business, petrol station, or plant nursery”.*

This is justified given the subject site’s locality, proximal land uses, adjacency to Hue Hue Road, and the proposed land use activities. It is further identified that risk reduction controls have been recommended, subject to consideration during a development assessment process, to manage potential impacts relating to the surrounding rural residential land.

**Consistency provision:**

*(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Department of Planning and Environment which gives consideration to the objective of this direction,*

**Comment:**

Hunter Regional Plan 2041 is the relevant Regional Plan to which the planning proposal relates. As the planning proposal is consistent with the Hunter Regional Plan 2041, particularly with respect to ‘Objective 9: Sustain and balance productive rural landscapes’ (Refer Attachment 1), the planning proposal is consistent with consistency item (c).

**Consistency provision:**

*(d) is of minor significance.*

**Comment:**

The inconsistency is not considered to be of minor significance.

**Outcome:**

The planning proposal achieves the objective of Ministerial Direction 9.1 Rural Zones, by way of justification through consistency provisions (b) and (c).

In progressing the planning proposal to a Gateway Determination, Council requests agreement regarding this matter from the Planning Secretary (or an officer of the Department nominated by the Secretary).

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<sup>3</sup> Published by the Department of Primary Industries, 2011. Accessible via: <https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment/development-assessment2/lucra>

## Section C – environmental, social and economic impact

### Environmental impact

#### **8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?**

The site is not included in any of Council's mapping with threatened fauna, endangered ecological communities, areas with specific ecological value, or located along existing or potential rehabilitation native vegetation corridors. It is therefore not expected that the planning proposal would impact on these matters.

The ecological assessment report (Travers Bushfire & Ecology, 2024) further notes that:

*The proposal will have a very small effect on threatened fauna species and will impact a small amount of native vegetation (0.16 ha) which is not mapped as containing biodiversity values. From an ecological perspective, these impacts will not affect breeding potential for any recorded species therefore only having a small cumulative impact on potential foraging habitat.*

*There are no significant habitat features that will be affected by the rezoning, such as the loss of breeding hollows for large forest owls, riparian zone impacts, removal of rock habitat or loss or impact to regional fauna corridors.*

The site is located in the Mannering Creek, Swampy creek, and Wyee Creek combined catchment, and the site does not contain a watercourse or is adjacent to a watercourse on Council's mapping system.

Council has suitable development controls for natural water systems and stormwater management to manage impact. Any future development application would need to demonstrate that development have negligible potential impacts on water quality, aquatic habitat and riparian vegetation.

The planning proposal, supported by the ecological assessment report, finds that the site is suitable for the proposed E1 Local Centre zone. An updated ecological assessment report should be provided to support a future development application on site and should include the following:

- Design measures to retain hollows, or necessary mitigation measures to ensure fauna is not injured during construction phase activities.
- Additional survey/s as identified in the assessment report, including stag-watching of the identified tree hollows.
- An assessment of the potential for threatened orchid species to occur on the site.
- A review of the presence of Squirrel Gliders, together with an assessment of the implications for the development of the site.

#### **9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

### Contamination

A preliminary site investigation (PSI) has been prepared and supplied for the site (Foundation Earth Sciences, 2024). The objective of the PSI was to assess the potential for soils at the site to have been impacted by previous and current activities undertaken at or adjacent to the site and to assess the site suitability for the proposed rezoning.



The PSI notes that the site has some potential areas of concern in relation to contamination, those being from historic and current uses (rural residential and agriculture), surrounding land uses (service station), importation of fill, potential pesticide use, pipeline, dam walls, degradation of building materials, and leakages from vehicles on site.

Soil sampling data reveals that the samples analysed on site were below the adopted detection limits and/or relevant guideline criteria, and that there was no identified asbestos or fibro cement fragments among the soil samples analysed.

The report concludes that the risk to human health and the environment associated with contamination at the site are low to moderate in the context of the proposed use of the site, and that the site can be made suitable for all purposes permitted under the proposed land use zone.

### **Flooding**

The site is not located on land that is flood affected, including up to the probable maximum flood (PMF) level, and there are no known flooding constraints that are applicable to the site.

Potential downstream impacts may be appropriately managed during any concept design process during the development assessment process.

### **Visual Impact**

The site is located on land where the surrounding dominant land use is rural residential to the west, and residential / town centre to the east. The proposal to rezone the land to allow for an expansion of local centre activities in Wyee will support development that may have an impact on the scenic qualities of the locality.

An Urban Design Report prepared by Nettelton Tribe has been provided by the Proponent. It includes a View Impact Analysis (VIA), which identifies existing views and outlooks to and from the site. The VIA prepared identifies that there will be no significant views that will be impacted by the potential permissible future development of the site.

The key views enjoyed in the area are directed north and north-west towards to Watagans National Park. Figure 6 demonstrates that the indicative concept scheme massing does not have a significant impact on the quality of these views.

Future consistency of any proposed future development will be managed during the development assessment process in accordance with Council's *Scenic Management Guidelines*.



**Figure 6: View analysis looking toward the site from the Wyee Road / Hue Hue Road Intersection**  
Source: Nettelton Tribe, 2023.

### **Heritage**

There are no known items of European or Aboriginal heritage that will be affected by the proposal. This site is not located in a heritage conservation area, or a sensitive Aboriginal Landscape area as defined the LMLEP.

### **Bushfire**

During pre-lodgement advice, NSW RFS has no objection to the proposed rezoning. In accordance with Ministerial Direction 4.3, consultation with the NSW RFS occurred after Gateway Determination. RFS again raised no specific concerns in relation to bush fire protection requirements and noted that the proposal generally satisfies the aims and objectives of *Planning for Bushfire Protection 2019*.

It is noted that the site is located on bushfire prone land, and that a future development must demonstrate compliance with *Planning for Bush Fire Protection 2019*.

### **Acid Sulphate Soils**

The site is located on land mapped as Class 5 on the Acid Sulphate Soils Map.

The proponent supplied Acid Sulphate Soil Assessment (Foundation Earth Sciences, 2024) identifies that the site is not impacted by Acid Sulphate Soils to a maximum depth of analysis.

### **Geotechnical**

The site is located on land mapped Geo 6, being the least severely constrained geotechnical zone, in accordance with Council's '*Geotechnical Slope Stability Guidelines*'.

There are no known geotechnical slides located on the site.

Consideration of any potential geotechnical constraints on the site as it relates to a proposed future development will be managed during the development assessment process.

## Social and economic impact

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

#### Economic

An Economic Need and Impact Assessment has been prepared by GapMaps (2023) and supplied by the proponent. The assessment determines that the proposed zoning on the site, incorporating uses commensurate to a local centre could be supported in this location.

It is expected that the proposal may have trading impacts on the nearby neighbourhood centre at Wyee and across the region. However, it is demonstrated that the community's neighbourhood centre needs will not be appropriately met by the current supply of E1 zoned land into the future.

Trading impacts are expected to be distributed most significantly to Morisset, where the closest Coles and Woolworths are located to the north; Lake Munmorah, where the closest Woolworths is located to the east; and San Remo, where the closest supermarket is located to the south. These impacts could be absorbed in these areas given that there is a significant under-supply of employment land.

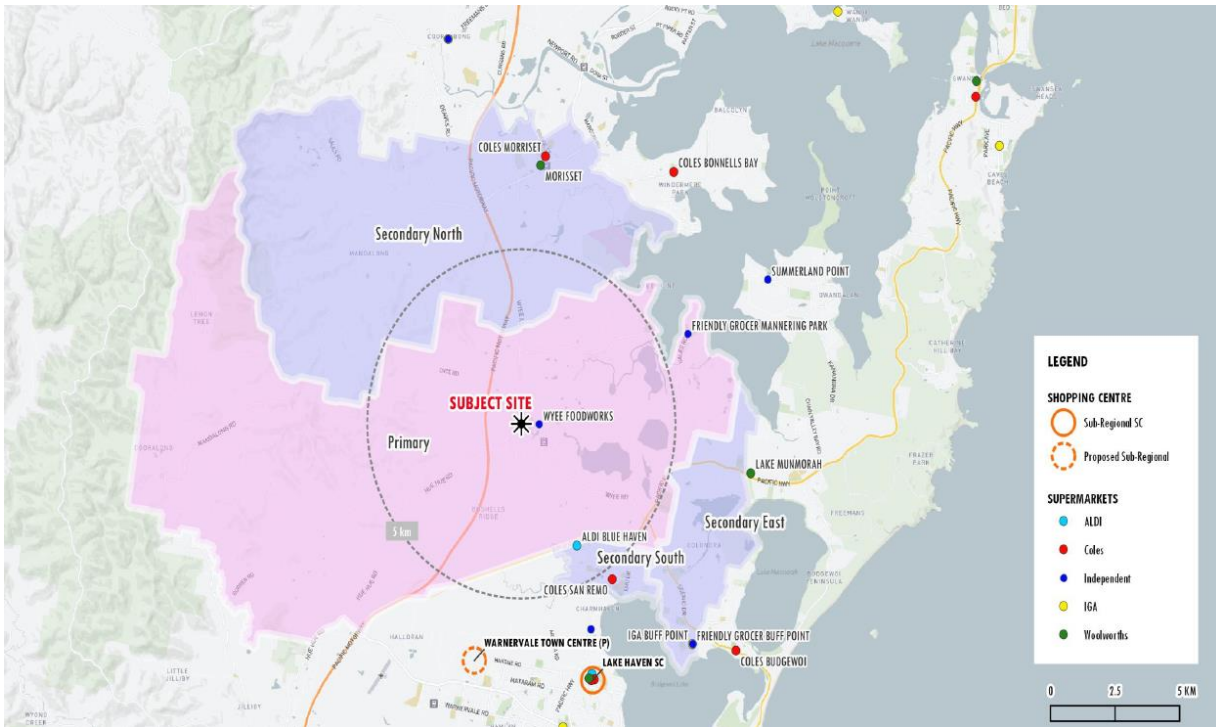
While the Wyee local centre contains the closest supermarket-based centre, the centre is anchored by a 1,100m<sup>2</sup> supermarket, which is around a third of the typical full-line supermarket size. The centre therefore likely only captures a small proportion of available supermarket spending in the locality, with most leaving the immediate area to shop at a full-line supermarket.

This following provides further information to support this conclusion:

- Based on a potential defined trade area (Primary and Secondary), and the historical and forecast population over the period of 2016 to 2031:
  - There is around 8,200 people residing in the primary trade area. This area is projected to grow at around 1.6-1.7% per year to reach 9,800 people by 2033.
  - There are 19,300 people located in the secondary trading areas. This is estimated to grow at an annual rate of 1.1% to reach 21,700 people by 2033.
  - The defined main trade area (MTA)<sup>4</sup> is projected to grow from around 27,800 people to 31,500 persons by 2033, equivalent to growth of around 1.2 – 1.3% per year.

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<sup>4</sup> Main trade area, for the purposes of the Economic Need and Impact Assessment, includes primary and secondary trade areas.

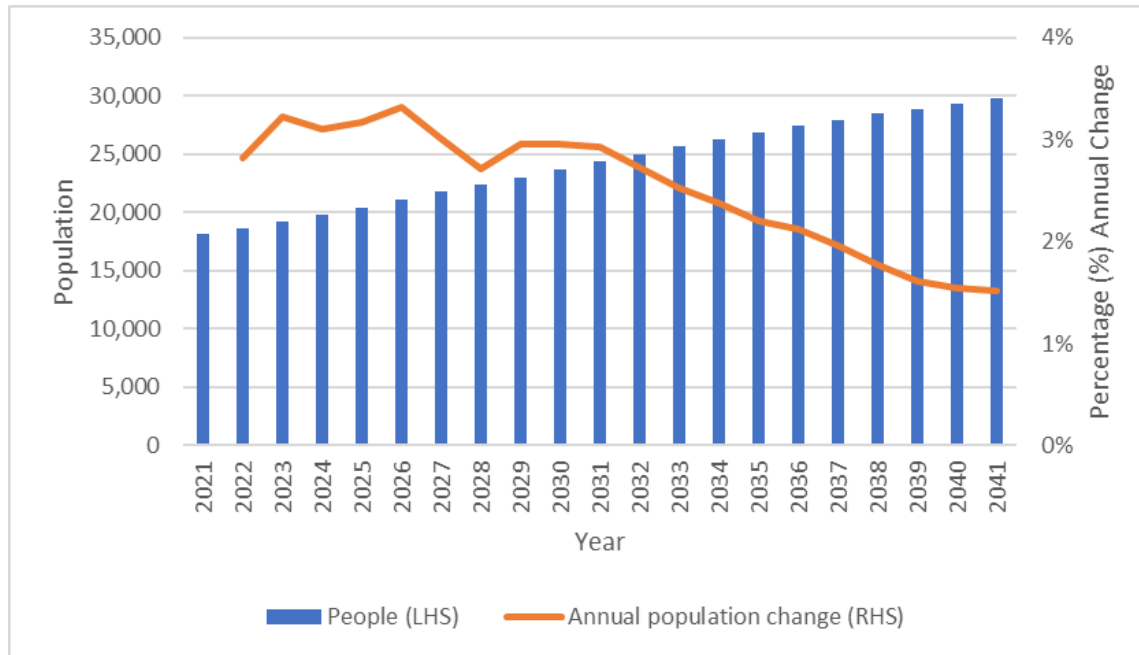


**Figure 7: Indicative primary and secondary trading areas**  
 Source: GapMaps, 2023.

- More broadly across the Lake Macquarie region, the latest projections from the former NSW Department of Planning indicate that the Lake Macquarie LGA will grow from 209,000 to 245,000 over the next 20 years, of which around 35% of this growth will come from Morisset-Cooranbong and Bonnells Bay-Silverwater.

In addition, Council's own population projections, prepared in collaboration with REMPLAN, estimate that population growth may be higher than what is indicated in the economic assessment. For instance, the forecast annual growth rate in the broader Morisset – Cooranbong SA2<sup>5</sup> is estimated at 2.5% per year over the next twenty years (Refer Figure 8).

<sup>5</sup> Statistical Area 2, as defined by the Australian Bureau of Statistics  
 Part 3 – Justification of strategic and site-specific merit



**Figure 8: Projected population growth to 2041: Morisсет – Cooranbong SA2**  
 Source: REMPLAN, 2024

- As a base case scenario, the Economic Need and Impact Assessment has determined that there is enough demand to support the following hypothetical floor spaces on the site:
  - A supermarket of around 3,800m<sup>2</sup> would be supportable, noting that there is currently an existing provision rate of 1,100m<sup>2</sup> of supermarket space in the main trade area.
  - A retail use of around 1,000m<sup>2</sup> to 1,500m<sup>2</sup> would be supportable, subject to the types of uses and number of tenancies. This could increase to a supportable rate of up to 2,000m<sup>2</sup> depending on whether 1 or 2 mini-major brands could be attracted.
  - Other potential non-retail uses with an identified need include:
    - Childcare: there is currently an undersupply of childcare places within the primary catchment which is expected to increase to year 2032.
    - Medical centre: there is currently an undersupply of General Practitioners (GPs) in the main trade area.
- The expansion of the Wyee local centre will increase localised choice and competition which should result in price improvements to the end consumer.
- The economic impact assessment has identified that the development will support:
  - An estimated 150 – 160 construction jobs, leading to 250 indirect jobs across the economy.
  - An estimated 285 – 290 ongoing jobs, leading to 115 indirect jobs across the economy.

## Social

The expansion of the Wyee local centre is anticipated to result in social impacts associated with the potential future development of the site. It is considered that the planning proposal will result in a net positive social impact. This is due to the potential positive employment and business outcomes, and increased access to local services in the community, outweighing the potential negative amenity impacts associated with the proposal.

Validation of this finding will need to be confirmed at a future stage by the assessment of development application. Excluding project construction related impacts,<sup>6</sup> the following likely social impacts, both positive and negative, have been considered in reaching this conclusion:

- **Amenity:** The expansion Wyee local centre is anticipated to result in either positive or negative amenity impacts because of a change in use of the subject site. It is expected that these impacts will affect residents in close proximity to the site, particularly those located to the West in the rural residential locality. Potential amenity impacts may include:
  - A material change in how people experience and relate to the landscape.
  - The visual impacts associated with the change in the built form on the site.
  - Increased traffic circulation in and around the site.
  - Emissions from the site (such as noise, smells, light intrusion etc.)
- **Health and Wellbeing:** The planning proposal presents the community with a possible material change to people's sense of place. Planning processes and decisions can generate considerable uncertainty for some people. These factors may lead to people experiencing impacts to their health and wellbeing. Conversely, the E1 Local Centre Zone supports the development of land uses which will improve people's access to service and facilities, such as medical centres. This will result in improved health and wellbeing outcomes for the community.

**Accessibility:** The planning proposal would support future development on the site that will likely impact people's mobility. Changes in transport and movement patterns may negatively affect people's ability to appropriately and safely access services and facilities in the locality. Notwithstanding, the planning proposal would support the development of additional services and facilities in the region commensurate with the intended function of the site as a local centre. The planning proposal will therefore improve the availability and accessibility of services in the region.

In addition, residents of Wyee currently need to travel a round trip of between 12 and 16km to access local centres, such as in Morisset and San Remo, which provide a broader range of available services and facilities when compared with the existing Wyee local centre. A reduction in car trip lengths reduces road infrastructure demand, traffic congestion, green-house-gas emissions, and the personal cost-burden of travel.

- **Economic Outcomes:** as detailed above, a proposed future development on the site supports investment in the local economy. This will lead to ongoing employment and business opportunities in the region which will support people ability to sustain themselves.

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<sup>6</sup> As these are generally not assessed for consideration during a planning proposal.

- **Crime prevention:** The site of the planning proposal is located adjacent to the intersection of Wyee Road and Hue Hue Road. Opposite Hue Hue Road is Wyee Park, which has additional identified land for acquisition and use as a public recreation facility. The development of the site would provide opportunities for passive surveillance and the implementation of the principles of crime prevention through environmental design. If appropriately designed, the site may support people’s safe access and use of the surrounding locality.

## Section D – Infrastructure (Local, State and Commonwealth)

### Impact on public infrastructure

#### **11. Is there adequate public infrastructure for the planning proposal?**

The planning proposal will enable an expansion of the Wye local centre. The site is serviced by existing public infrastructure and will make use of capacity in the established infrastructure network. It is not expected that the proposed rezoning will place significant additional demand on public infrastructure, services or utilities. Specific infrastructure requirements will be assessed in more detail during a future development application stage, and relevant contributions will be calculated and collected to contribute to the supply of council and state infrastructure.

#### **Traffic impact and road network**

The planning proposal is accompanied by a Traffic Impact Statement undertaken by (WGA, 2023). The assessment includes a survey of existing traffic, prediction of additional traffic by a commercial development on the subject site, and a SIDRA analysis to assess the impact on the surrounding road network and the performance of the intersection of Hue Hue Road and Wye Road. The traffic analysis shows that the proposal will not significantly impact on the traffic and access network, including the operation / performance of the adjacent intersection.

#### **Potable Water**

The proponent supplied a utilities infrastructure assessment (Infrastructure & Development Consulting, 2024) which identifies that Hunter Water supplies the site and surrounding properties with potable water. A 300mm diameter trunk main and 100mm diameter reticulation main traverse Hue Hue Road. Both mains connect to a 150mm diameter main which extends along Wye Road.

The assessment identifies that a main of approximately 100mm diameter could support the proposed development. The site will be serviced by connecting to the existing mains on Hue Hue Road or Wye Road. Any potential upgrades required to the existing mains as a result of this development will be confirmed by Hunter Water during a subsequent stage of the project.

#### **Wastewater**

The proponent supplied a utilities infrastructure assessment (Infrastructure & Development Consulting, 2024) which identifies that the site is located within the Wye sewer catchment. A 375mm diameter gravity main traverses Hue Hue Road. This main reduces in size to 150mm and extends along Munmorah Street and Karagi Street to the sewer pump station. Flows are then transferred from the pump station via a 315mm diameter pressure main which extends along Karagi Street and Wye Road, away from the site.

The site will be serviced by connecting to the existing trunk main on Hue Hue Road. Given the size of this infrastructure, it is not expected that upgrades would be required to support the future development of the site, however this will be confirmed with Hunter Water during a subsequent stage of the project.

#### **Electricity**

The proponent supplied a utilities infrastructure assessment (Infrastructure & Development Consulting, 2024) which identifies that the site would require one padmount substation to service a future development on the site. The location of the substation will be determined by Ausgrid during a subsequent stage of the development process.



It is expected that the site can be serviced using available capacity in existing high voltage feeders within the vicinity of the site. High voltage feeders along Hue Hue Road or Wyee Road will be extended into the site to supply future uses. The availability of spare capacity in these feeders to supply the site will be confirmed with Ausgrid.

### **Telecommunications**

The proponent supplied a utilities infrastructure assessment (Infrastructure & Development Consulting, 2024) which identifies that the site is serviced via fixed wireless technology, where data is transmitted to a rooftop antenna by a transmission tower which can be located up to 14km away from the premises. Areas to the east of Wyee Road, including Wyee Public School and existing residential dwellings are serviced by fixed line infrastructure, where a physical line connects to each property to provide a connection. The fixed line network could be extended to supply future development of the site, subject to confirmation by NBN Co.

Telstra have existing 4G coverage across the site.

### **Contributions**

*Local infrastructure contributions*, also known as development contributions, are charged by councils. They fund council infrastructure like playgrounds, parks, community facilities, and local roads. The contribution is based on the cost, location and type of development. Development contributions are calculated and charged on development approvals in accordance with the relevant development contributions plan at the time of approval.

The *Housing and Productivity Contribution* applies to development applications for new residential, commercial, and industrial development in the Greater Sydney, Illawarra Shoalhaven, Lower Hunter and Central Coast regions. Contributions collected under this system will help deliver essential state infrastructure such as schools, hospitals, major roads, public transport infrastructure and regional open space.

## Section E – State and Commonwealth interests

### Views of state and federal authorities and government agencies

#### 12. What are the views of state and federal authorities and government agencies consulted in order to inform the Gateway determination?

The outcomes of consultation with relevant agencies during the pre-lodgement, and post-Gateway determination phase of the planning proposal process are detailed below.

#### Pre-lodgement phase agency consultation

Council consulted with the following agencies and service providers in the pre-lodgement phase of the planning proposal based on the criteria specified in Attachment B 'Authority and Government Agency pre-lodgement' of the LEP Making Guideline:

1. NSW Department of Primary Industries
2. Transport for New South Wales
3. Department of Climate Change, Energy, the Environment and Water – Biodiversity and Conservation Division
4. New South Wales Rural Fire Services
5. NSW Health - Hunter New England Local Health District
6. NSW Department of Planning, Housing and Infrastructure (formerly Department of Planning and Environment).

A summary of matters identified by the agencies are provided in Table 1: Summary of agency submissions received during pre-lodgement. Where applicable, these matters are adequately addressed within the current planning proposal.

**Table 1: Summary of agency submissions received during pre-lodgement**

Agency	Matters raised
<b>NSW Department of Primary Industries</b>	Raised potential effects of the planning proposal on draft mapped State Significant Agricultural Land (SSAL) located near the site.
	Noted that ad-hoc rezoning throughout rural zones is not supported under the NSW Agriculture Commissioner's report ' <i>Improving the Prospects for Agriculture and Regional Australia in NSW</i> '
	Requested that a <i>Land Use Conflict Risk Assessment</i> is supplied with the Planning Proposal.
	Requested that the 'agent of change' principle should be considered in the context of the existing agricultural industries.
<b>Transport for NSW</b>	Identified that the Traffic Impact Assessment should inform any required upgrades and take into account cumulative traffic impacts of surrounding developments including the West Wyee land release area.
	Recommended that Council ensure an appropriate funding mechanism is in place to apportion contributions by developers to fund required road infrastructure upgrades.
<b>Department of Climate Change, Energy, the</b>	Recommended that a biodiversity assessment is undertaken of potential remnant high environmental values (HEV) on the site, (e.g. remnant Lower Hunter Spotted Gum Ironbark Forest EEC, Charmhaven Apple, Angophora

<b>Environment and Water – Biodiversity and Conservation Division</b>	inopina, black -eyed Susan ( <i>Tetratheca juncea</i> ), Bynoe’s wattle, <i>Acacia bynoeana</i> , feed trees of the regent honeyeater, and threatened ground orchids) with a view to avoiding impacts to HEV.
	Recommended that locally significant vegetation is included in the landscaping for the site once as much remnant vegetation as possible has been retained. It is recommended that landscaping includes plants from the plant community type remaining on the site in order to act as a stepping-stone for mobile biodiversity (e.g. squirrel gliders, birds) moving through bushland in the vicinity.
	No comments provided for potential flooding issues
<b>NSW Rural Fire Service</b>	Raised no specific concerns in relation to bush fire protection requirements associated with the planning proposal.
	Noted that the planning proposal can support development that would generally satisfy the aim and objectives of Planning for Bush Fire Protection 2019.
<b>NSW Health – Hunter New England Local Health District</b>	Noted planning proposal. No comments provided.
<b>NSW Department of Planning, Housing and Infrastructure</b>	Requested that the planning proposal address all relevant legislation, strategic planning framework, environmental planning instruments (EPIs) (including drafts), plans, policies and guidelines
	Requested that the planning proposal identify and describe any bushfire risks and demonstrate that these can be appropriately managed. This should ensure the level of risk is consistent with <i>Planning for Bushfire Protection 2019</i> .
	Requested that the planning proposal assess the impacts of servicing and infrastructure capacity, including: <ul style="list-style-type: none"> <li>• assessment of the capacity and impacts of the development on existing utility infrastructure and service provider assets surrounding the site.</li> <li>• identification of any infrastructure upgrades required on-site and off-site to facilitate the development.</li> </ul>
	Requested that the planning proposal address traffic and transport impacts.
	Requested that the planning proposal provide a justification of strategic and site-specific merit.

## Post-gateway determination agency consultation

The planning proposal documentation and Gateway Determination has identified that consultation with the following agencies is to occur after Gateway Determination is received:

- NSW Department of Primary Industries – Agriculture
- NSW Department of Climate, Energy, the Environment and Water – Biodiversity, Conservation and Science Group
- NSW Rural Fire Service
- Transport for NSW
- NSW Resources Regulator
- Ausgrid
- Hunter Water

Referrals to the above agencies were conducted in the period from August to October 2024. A summary of the outcomes from this consultation is included in the following table.

**Table 2: Summary of agency submissions received during post-Gateway Determination**

Agency	Consultation Outcomes
<p><b>NSW Department of Primary Industries – Agriculture</b></p>	<p>Agency advice raises no opposition to the proposed rezoning.</p> <p>This advice resolves Ministerial Directions 1.1 Implementation of Regional Plans, and 9.1 Rural Zones.</p> <p>Advice issued additionally raises matters for further investigation regarding landholder consultation, and site-access arrangements.</p>
<p><b>NSW Department of Climate, Energy, the Environment and Water – Biodiversity, Conservation and Science Group</b></p>	<p>Agency advice raises no further comments from pre-lodgement consultation.</p> <p>This advice resolves Ministerial Direction 3.1 Conservation Zones.</p>
<p><b>NSW Rural Fire Service</b></p>	<p>Agency advice raises no specific concerns in relation to bushfire protection requirements and identifies that the site is suitable for the development and appears to generally satisfy the aim and objectives of <i>Planning for Bush Fire Protection 2019</i>.</p> <p>The advice notes that any future development applications lodged pertaining to the subject site should be supported by a bush fire report which demonstrates the proposal's compliance with the relevant provisions of <i>Planning for Bush Fire Protection 2019</i>.</p> <p>This advice resolves Ministerial Direction 4.3 Planning for Bushfire Protection.</p>
<p><b>Transport for NSW</b></p>	<p>Agency advice raises no objection to the planning proposal.</p> <p>The advice notes the following comments for Council's consideration:</p> <ol style="list-style-type: none"> <li>1. Funding and design requirements for the potential future upgrade of Wyee Road and Hue Hue Road.</li> <li>2. Future site-specific design considerations to mitigate traffic and transport impacts.</li> <li>3. Improvements to active and public transport facilities to ensure effective connectivity through the network, linking key areas</li> </ol>

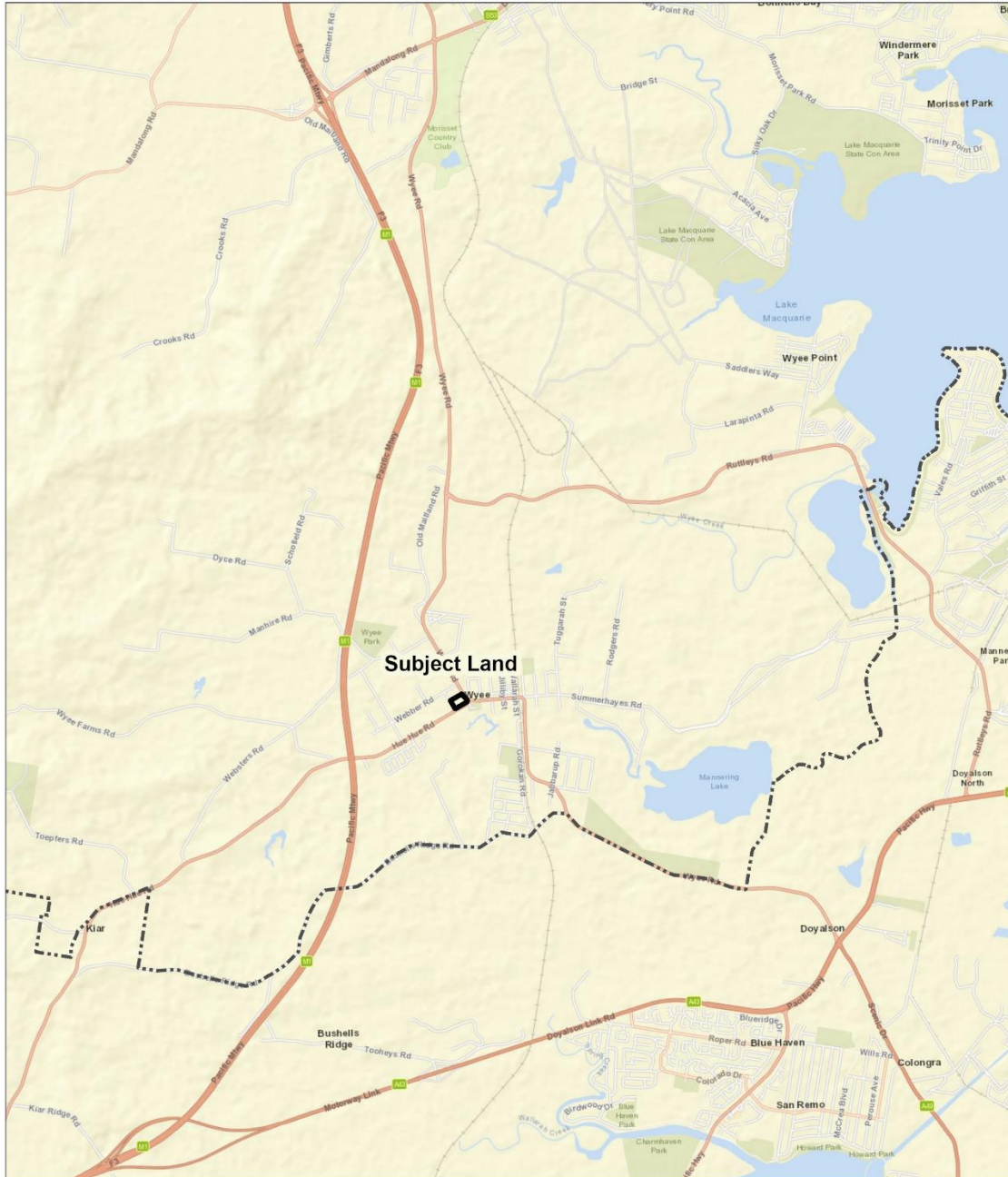
	<p>such as nearby residential land, train stations, bus stops etc. This includes updating the SIDRA model to incorporate pedestrian crossings at all legs of any future proposed Traffic Control Signals.</p> <ol style="list-style-type: none"> <li>4. An assessment of crash history at the intersection of Wyee Road/Hue Hue Road (or the surrounding road network).</li> <li>5. Reference is to be made to the attached spreadsheet identifying SIDRA modelling items to be addressed to support any amendments made to the TIA.</li> </ol> <p>This advice resolves Ministerial Direction 5.1 Integrating Land Use and Transport.</p>
<b>NSW Resources Regulator</b>	<p>Agency advice raises no resource sterilisation issues regarding the proposed rezoning.</p> <p>This advice resolves Ministerial Direction 8.1 Mining, Petroleum Production and Extractive Industries.</p>
<b>Ausgrid<sup>7</sup></b>	<p>Agency advice outstanding.</p>
<b>Hunter Water Corporation<sup>8</sup></b>	<p>Agency advice outstanding.</p>


<sup>7</sup> It is noted that referral to Ausgrid is not necessary to achieve consistency with a specific 9.1 Ministerial Direction.

<sup>8</sup> It is noted that referral to Hunter Water Corporation is not necessary to achieve consistency with a specific 9.1 Ministerial Direction.

# Part 4 – Mapping

## Map 1 – Locality



 Subject Land

### Locality



Projection GDA 1994  
Zone 56



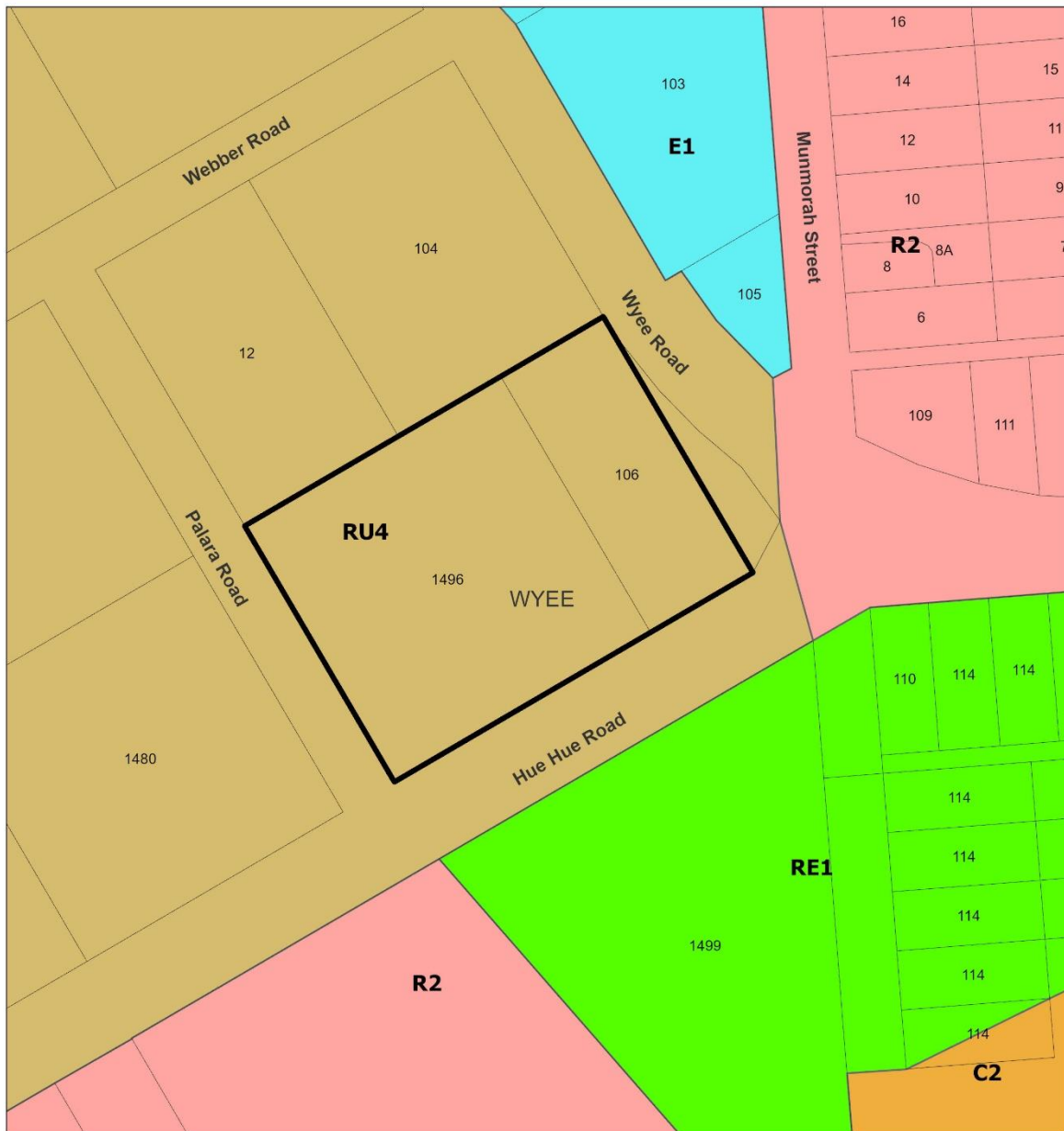
Base Map Credits: World\_Street\_Map: Esri, HERE, Garmin, NGA, USGS











Date: 30/04/2024 Planning Proposal: RZ/4/2024 1496 Hue Hue Rd, Wyeec

Map 2 – Aerial



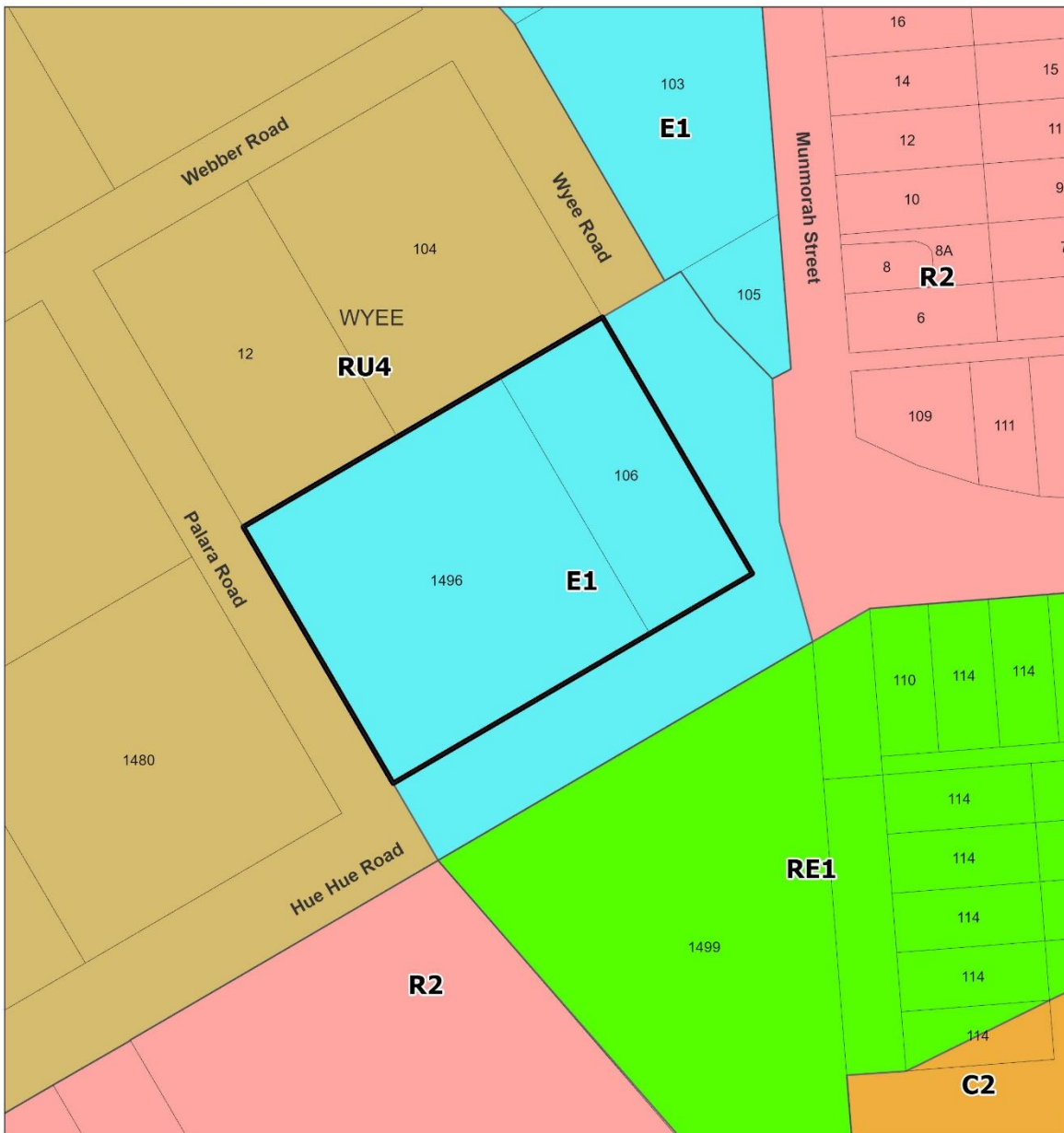
Map 3 – Existing Land Zoning Map




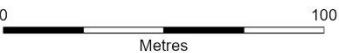









	Subject Land	<b>Existing</b> <b>Land Zoning Map</b> Lake Macquarie Local Environmental Plan 2014
	Land Parcel	
<b>Land Zoning</b>		0  100 Metres
	C2 - Environmental Conservation	 Projection GDA 1994 Zone 56 
	E1 - Local Centre	
	R2 - Low Density Residential	
	RE1 - Public Recreation	
	RU4 - Primary Production Small Lots	
Date: 13/06/2024      Planning Proposal: RZ/4/2024		











Map 4 – Proposed Land Zoning Map



	Subject Land	<b>Proposed</b>
	Land Parcel	
<b>Land Zoning</b>		
	C2 - Environmental Conservation	<b>Land Zoning Map</b> Lake Macquarie Local Environmental Plan 2014   Projection GDA 1994 Zone 56 
	E1 - Local Centre	
	R2 - Low Density Residential	
	RE1 - Public Recreation	
	RU4 - Primary Production Small Lots	
	C2 - Environmental Conservation	
Date: 23/09/2024    Planning Proposal: RZ/4/2024		

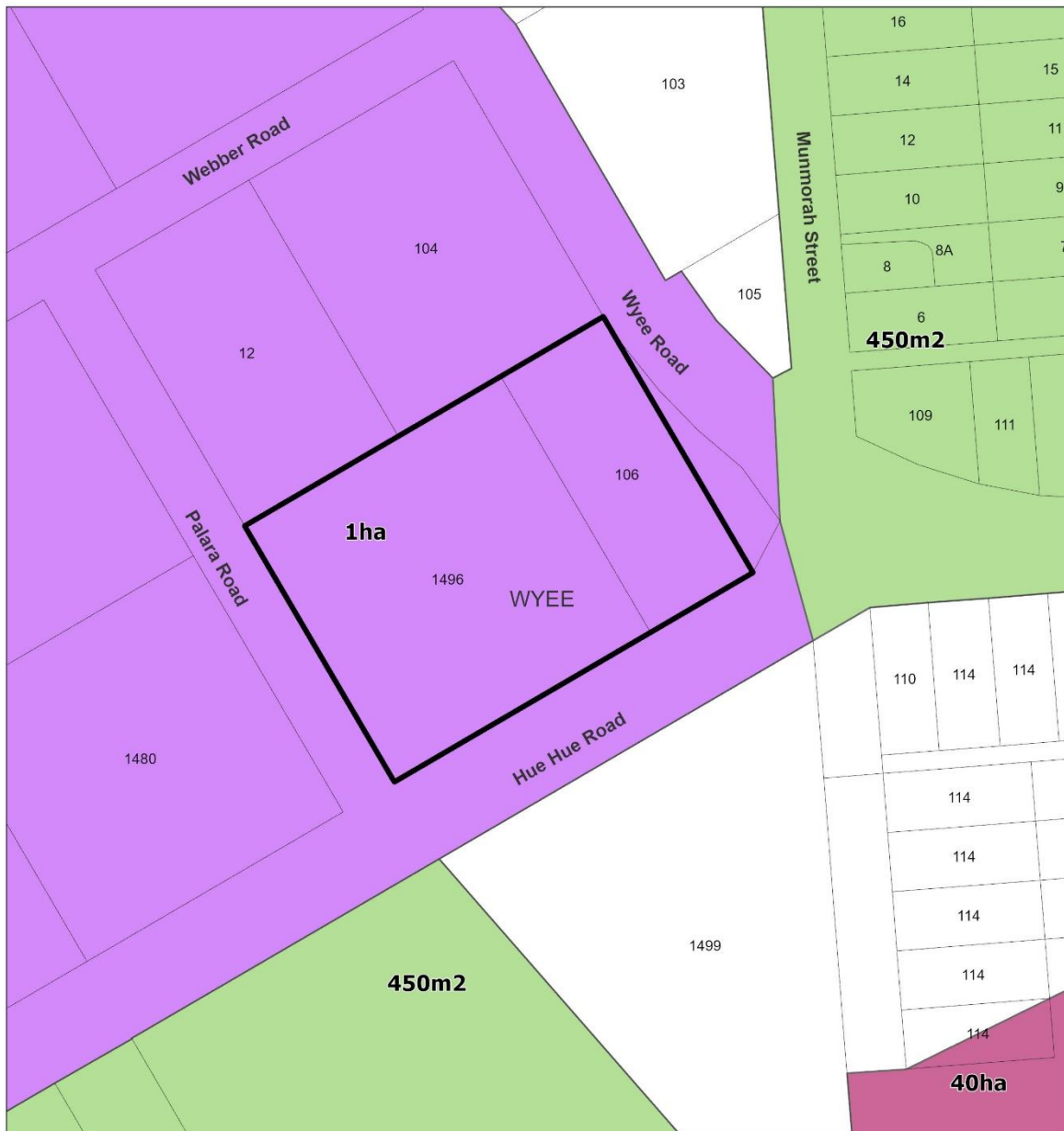
Map 5 – Existing Height of Buildings Map




	Subject Land	<b>Existing</b>
	Land Parcel	
<b>Maximum Building Height (m)</b>		<b>Height of Buildings Map</b>
	5.5	Lake Macquarie Local Environmental Plan 2014
	8.5	0  100
	10	Metres
		 Projection GDA 1994 Zone 56
		
		Date: 13/06/2024 Planning Proposal: RZ/4/2024



Map 7 – Existing Lot Size Map



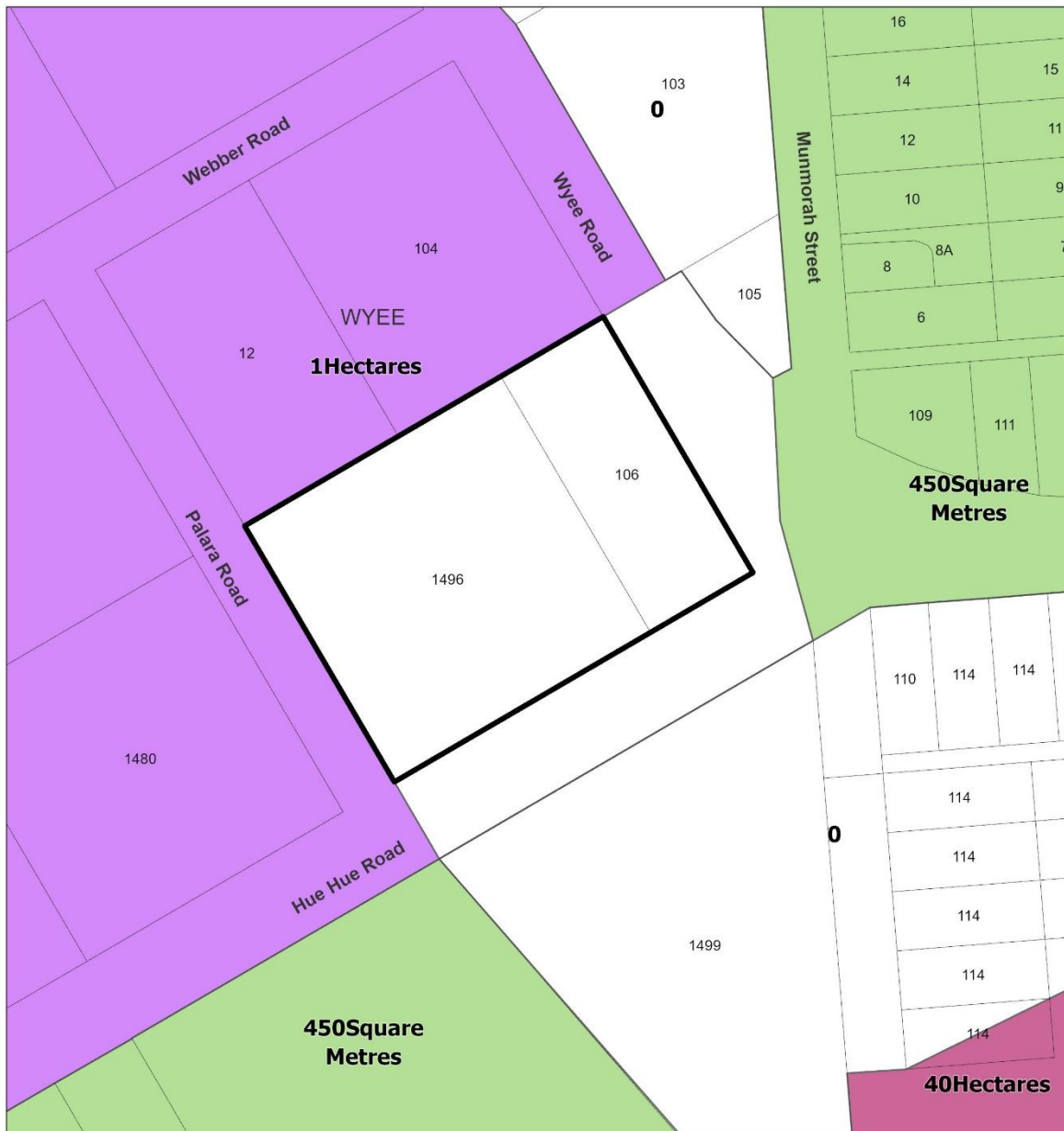
	Subject Land	<b>Existing</b>
	Land Parcel	
<b>Lot Size</b>		<b>Lot Size Map</b>
	450 sq m	Lake Macquarie Local Environmental Plan 2014
	1 ha	0  100
	40 ha	Metres




Projection GDA 1994  
Zone 56

Date: 13/06/2024    Planning Proposal: RZ/4/2024

Map 8 – Proposed Lot Size Map

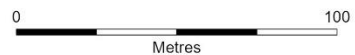


- Subject Land
- Land Parcel
- Lot Size**
- 450 sq m
- 1 ha
- 40 ha
- NS

## Proposed

### Lot Size Map

Lake Macquarie Local Environmental Plan 2014



Date: 23/09/2024 Planning Proposal: RZ/4/2024

## Part 5 – Community Consultation



In preparing a planning proposal, Council staff review studies, consult with internal experts, state agencies and authorities and our community.

Council's 'Community Engagement Strategy' [Let's Shape Lake Mac](#) outlines our approach to engaging with the community and stakeholders. The strategy outlines who, when and how we will engage on plans and policies.

The level of community consultation for each planning proposal depends on its complexity and impact. The main opportunity for the community to give feedback on a planning proposal is usually during the **Public Exhibition** period. Council will consider any submissions and may make changes to the planning proposal before it is finalised.

### Consultation with state agencies or authorities during the pre-lodgement stage

Council consulted with state agencies or authorities during the pre-lodgement stage in 2023 according to the criteria for authority and government agency consultation in the pre-lodgement stage as described in attachment B of the 'LEP Making Guideline'.

Council consulted with applicable state agencies and authorities during the post-Gateway determination stage in 2024.

Refer to **Section E** – State and Commonwealth interests for further details.

### Public Exhibition

Community consultation has not been undertaken to date. Community consultation requirements have been identified within the Gateway determination. The relevant condition is noted:

*Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:*

*(a) the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and*

*(b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Local Environmental Plan Making Guideline (Department of Planning and Environment, August 2023).*

During the Public Exhibition the proposal will be exhibited and available for the public to view and provide comments on Council's community engagement portal ShapeLakeMac and the NSW Government Planning Portal. Adjoining landowners will be notified by mail.

## Part 6 – Project Timeline

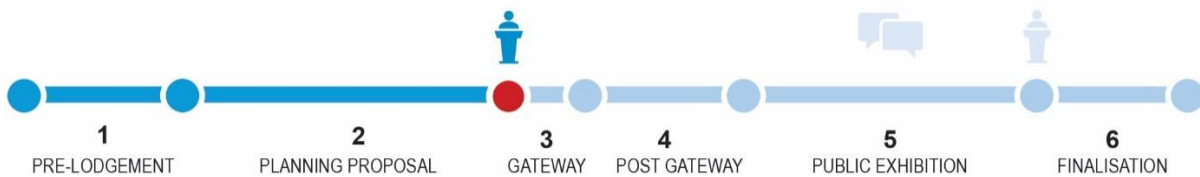





Figure 2 shows where the planning proposal is at in the Local Environmental Plan making process.

The process of making or amending a Local Environmental Plan (LEP) involves six key stages, as outlined in the NSW Government's 'Local Environmental Plan Making Guideline'. The planning proposal is updated as it advances through these stages.

This planning proposal is currently in **stage 2**.

The table below provides an overview of the key activities and expected timeline for this planning proposal, based on standard benchmark timeframes. These are indicative timeframes which may change as a result of assessment and feedback during future stages.

Stage		Date/Timeframe
<b>Stage 1</b>	Pre-lodgement phase	September 2023
<b>Stage 2:</b>	 Council resolution to proceed to Gateway and Public exhibition	8 July 2024
<b>Stage 3</b>	Gateway assessment and determination	25 working days*
<b>Stage 4</b>	Post Gateway phase – consultation with agencies, any additional studies and preparation of exhibition	50 working days*
<b>Stage 5:</b>	 Public Exhibition – 28 days (20 working days)	October 2024
	Post-exhibition assessments - consideration of submissions, review of proposal and any additional studies.	~70 working days
	 Council consideration of proposal	February 2025
<b>Stage 6:</b>	Finalisation – notification / gazettal of LEP Amendment (55 days*)	April 2025

\* Benchmark timeframes – Local Environmental Plan Making Guideline

\*\* Estimate based on benchmark timeframe

## Attachment 1 - Consistency with the Hunter Regional Plan 2041

The following assessment details how the planning proposal is consistent with the objectives and strategies contained within the HRP 2041.

### OBJECTIVE 1: Diversify the Hunter’s mining, energy and industrial capacity

Strategy 1.1 Planning proposals for mine or power station sites identified as regionally significant growth areas will be supported by a place strategy which demonstrates how the proposal will	Compliance
<ul style="list-style-type: none"> <li>maximise employment generation or will attract visitors to the region.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>make use of voids and/or site infrastructure such as rail loops, hard stand areas, power, water and road access.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>support the growth of adjoining industrial areas or settlement areas.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>enhance corridors within the landscape such as biodiversity corridors or disused infrastructure corridors.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>complement areas with special amenity value such as critical industry clusters, open space, villages and residential areas</li> </ul>	N/A
<ul style="list-style-type: none"> <li>have considered the existing and likely future uses of adjoining land and avoid land use conflict.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>align with any specific guidance in the district planning priorities section of this plan</li> </ul>	N/A
Strategy 1.4 Planning proposals for new employment lands will demonstrate they:	Compliance
<ul style="list-style-type: none"> <li>are located in areas which will not result in land use conflict.</li> </ul>	Yes
<ul style="list-style-type: none"> <li>can be adequately serviced and any biodiversity impacts are manageable</li> </ul>	Yes
<ul style="list-style-type: none"> <li>respond to the employment land needs identified for that local government area.</li> </ul>	Yes

**Outcome:** The planning proposal is **consistent** with Strategy 1.4.

#### Discussion:

- The Land Use Conflict Risk Assessment, prepared and supplied by the proponent in accordance with the Land Use Conflict Risk Assessment Guide<sup>9</sup>, notes that:
 

*“There is little to no risk of conflict between the proposed commercial rezoning of the site and the surrounding land uses, including rural residential and the commercial uses – landscape supplies business, petrol station, or plant nursery”.*

This is justified given the subject site’s locality, proximal land uses, adjacency to Hue Hue Road, and the proposed land use activities. It is further identified that risk

<sup>9</sup> Published by the Department of Primary Industries, 2011. Accessible via: <https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment/development-assessment2/lucra>



reduction controls have been recommended to manage potential impacts relating to the surrounding rural residential land.

Council’s Review and Strategy for RU4 Primary Production (Small Lots) Zoned Land further identifies that the dominant land use in the surrounding area is large lot residential, and that the area would be suitable for future urban development. Any future development of the site would be subject to the development assessment process.

- The Utilities Infrastructure Assessment (Infrastructure & Development Consulting, 2024) reveals that the site and future proposed uses can be adequately serviced.
- The Ecological Assessment Report (Travers Bushfire & Ecology, 2024), incorporating Stage 1 Biodiversity Assessment Method (BAM), reveals that biodiversity impacts associated with the proposal are manageable. There are no offsets required in accordance with the Biodiversity Offset Scheme and no portion of the land is identified for conservation. Measures have been provided to avoid and mitigate impacts on biodiversity (Refer Section C – environmental, social and economic impact).
- Wyee is identified as a growth area and part of this area is identified in the Wyee Structure Plan for future urban growth. The consideration of proponent-initiated scoping proposals to rezone land would be consistent with Council’s Local Strategic Planning Statement. The proposal therefore responds to the employment land needs identified for that local government area.

**OBJECTIVE 2: Support the right of Aboriginal residents to economic self-determination**

**Outcome:** No relevant matters.

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

<b>Strategy 3.1 Planning proposals that propose a residential, local centre or commercial centre zone will not prohibit the following land uses within urban core, general urban, inner suburban and general suburban contexts:</b>	<b>Compliance</b>
business premises	Yes
restaurants or cafes	Yes
take-away food and drink premises	Yes
neighbourhood shops and supermarkets	Yes
educational establishments	Yes
early education and care facilities	Yes
health services facilities	Yes
markets	Yes

community facilities	Yes
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recreation areas	Yes
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**Strategy 3.2 Planning proposals will incorporate:**

• a small neighbourhood centre if the proposed residential yield exceeds 1,500 dwellings or	N/A
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• a large neighbourhood centre if the proposed residential yield exceeds 4,000 dwellings.	N/A
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The neighbourhood centre will:	Yes
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• support a floor area informed by a local retail demand analysis	
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• have enough developable area to accommodate the uses over one level with at grade parking to reduce costs	Yes
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• be located to maximise its convenience for the vast majority of residents of which it serves	Yes
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• be located in a high profile location (i.e. main arterial road or precinct with strong pedestrian traffic)	Yes
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• be supported by a walkable catchment and pedestrian friendly environment.	Yes
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**Outcome:** The planning proposal is **consistent** with Strategy 3.1.

**Discussion:** There is nothing contained within the planning proposal that would prohibit the identified land uses within the urban core, general urban, inner suburban and general suburban contexts.

**Outcome:** The planning proposal is **consistent** with Strategy 3.2.

**Discussion:**

- The Economic Need and Impact Assessment (GapMaps, 2023) supports the potential commercial floor area as being informed by a local retail demand analysis. The report finds that the relevant population catchment could appropriately support a variety of potential uses without adversely affecting existing providers.
- The site is considered to have sufficient developable area to accommodate potential uses over one level with at grade parking.
- The site is located adjacent to the existing local economic centre in Wyee. The subject site is appropriately located to maximise convenience for the vast majority of residents residing in the main trading area.

The site is located 1km west of Wyee Train Station, which connects Wyee to both Newcastle and Sydney. Two bus routes pass the site along Wyee Road, which connect Wyee to the localities of Lake Haven to the south and Wangi Wangi to the north. These bus routes can provide end-of-trip connectivity to and from Wyee Train Station.

- The site is in the centre of Wyee, on Wyee Road. Wyee Road serves as the main through-fare connecting Morisset with Wyee to the north, and Doyalson to the southeast. The site is therefore located in a high-profile location.
- Wyee generally has a poor level of walkability, with limited pedestrian infrastructure connecting residences with local service providers when compared with more established local centres. Notwithstanding, the planning proposal supports the following relevant performance objectives as the proposal supports the provision of an expanded local centre which will:
  - maximise the use of existing infrastructure and reduce travel demand, especially by car.
  - Provide local access to education, jobs, services, open space and community activities.
  - maximise mobility independence and active and public transport opportunities
  - Encourage healthy lifestyles with opportunities to experience and engage in the cultural, entertainment, sport and recreation, and educational activities.
  - Establish or reinforce local identity.

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

Strategy 4.10 Planning proposals will:	Compliance
<ul style="list-style-type: none"> <li>• align with the growth of defence, aeronautics, aerospace, freight and logistics capacity at Williamtown and the Port of Newcastle, taking into consideration the Port of Newcastle Port Master Plan 2040;</li> </ul>	N/A
<ul style="list-style-type: none"> <li>• maximise opportunities to increase capacity to manage freight through the ports/airports and provide access to new markets; and</li> </ul>	N/A
<ul style="list-style-type: none"> <li>• protect ports and airports via assessment of the impacts of development on the port/airport to avoid land limiting their future growth.</li> </ul>	N/A
<b>Strategy 4.11 Planning proposals must not undermine the long-term capacity of inter-regional connections to meet future freight and logistics movements.</b>	N/A
<b>Strategy 4.13 Planning proposals will not allow incompatible land uses that could affect the long-term growth of defence -related assets, key strategic links and training areas.</b>	N/A

**OBJECTIVE 5: Plan for ‘nimble neighbourhoods’, diverse housing and sequenced development**

Strategy 5.3 Planning proposals will not prohibit the following housing typologies within residential zones that apply to urban core, general urban, inner suburban and general suburban contexts:	Compliance
attached dwellings	N/A
boarding houses	N/A
dual occupancies	N/A
group homes	N/A
multi dwelling housing	N/A
secondary dwellings	N/A
semi-detached dwellings.	N/A

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

	Compliance
Strategy 6.3 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.	N/A
Strategy 6.4 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.	N/A
Strategy 6.11 Planning proposals will demonstrate that development within a drinking water catchment or sensitive receiving water catchment will achieve a neutral or beneficial effect on water quality.	N/A

**OBJECTIVE 7: Reach net zero and increase resilience and sustainable infrastructure**

Strategy 7.5 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.	Yes
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**Outcome:** The planning proposal is **consistent** with Strategy 7.5.

**Discussion:**

- The planning proposal would permit with consent sensitive land uses, such as centre-based childcare facilities, which currently are not currently permissible in the

existing land use zone (with the exception of a site compatibility certificate issued under *State Environmental Planning Policy (Transport and Infrastructure) 2021*).

The site is not located on land subject to significant sources of air pollution, such as major roads, railway lines and designated freight routes,

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

	Compliance
<b>Strategy 8.2 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.</b>	Yes
<b>Strategy 8.6 Planning proposals to facilitate tourism activities will:</b>	
<ul style="list-style-type: none"> <li>demonstrate that the scale and type of tourism land use proposed can be supported by the transport network and complements the landscape setting</li> </ul>	N/A
<ul style="list-style-type: none"> <li>be compatible with the characteristics of the site and existing and likely future land uses in the vicinity of the site</li> </ul>	N/A
<ul style="list-style-type: none"> <li>demonstrate that the tourism land use would support the function of nearby tourism gateways or nodes</li> </ul>	N/A
<ul style="list-style-type: none"> <li>be supported by an assessment prepared in accordance with the Department of Primary Industries’ Land Use Conflict Risk Assessment Guide if the use is proposed on or in the vicinity of rural zoned lands.</li> </ul>	N/A

**Outcome:** The planning proposal is **consistent** with Strategy 8.2.

**Discussion:**

- The planning proposal supports an extension to the existing the Wye local centre along Wye Road. The planning proposal therefore accommodates new commercial activity within the existing centre and main street.

**OBJECTIVE 9: Sustain and balance productive rural landscapes**

	Compliance
<b>Strategy 9.1 Planning proposals will consider the location of mineral and energy resources, mines and quarries and ensure sensitive land uses would not encroach on those operations. A noise study may be required to demonstrate impacts on the operations can be avoided or mitigated.</b>	Yes
<b>Strategy 9.6 Planning proposals to expand rural town and village growth boundaries will be supported by an assessment prepared in accordance with the Department of Primary Industries’ Land Use Conflict Risk Assessment Guide to limit or avoid conflicts between residential uses and agricultural activities.</b>	Yes

	Compliance
<b>Strategy 9.4 Planning proposals for lands within or near critical industry cluster land will demonstrate they are</b>	
<ul style="list-style-type: none"> <li>compatible with equine and viticultural activities and:</li> </ul>	N/A
<ul style="list-style-type: none"> <li>complements scenic values, visual amenity and local character</li> </ul>	N/A
<ul style="list-style-type: none"> <li>provides suitable separation distances for sensitive uses, like tourist accommodation, having regard to spray, noise and lighting considerations</li> </ul>	N/A
<ul style="list-style-type: none"> <li>considers existing and likely future agricultural and rural uses of adjoining lands and the cumulative impact of similar proposals on the locality.</li> </ul>	N/A

**Outcome:** The planning proposal is **consistent** with Strategy 9.1.

**Discussion:**

- The site is not located on land covered by an exploration or mining license.  
The site is located in the Hunter-Central Coast Renewable Energy Zone. There are no existing or proposed energy generation or transmission facilities which would be impacted by the planning proposal.

**Outcome:** The planning proposal is **consistent** with Strategy 9.6.

**Discussion:**

- The planning proposal supports an expansion of the Wye town centre’s growth boundary. In consistency with the Direction, the planning proposal is supported by an assessment prepared in accordance with the Department of Primary Industries’ Land Use Conflict Risk Assessment Guide to limit or avoid conflicts between residential uses and agricultural activities.
- Further consideration of this matter is provided for in Section 7 of the planning proposal which addressed Ministerial Direction 9.1 Rural Zones. The outcomes of post-Gateway referral to the Department of Primary Industries – Agriculture is included in **Section E**.

## Attachment 2 – Consistency with State Environmental Planning Policies (SEPPs)

The following table identifies which State Environmental Planning Policies (SEPPs) are applicable to the planning proposal with an evaluation of consistency. Where a more detailed assessment or justification is necessary, this is considered in Part 3, section B of the planning proposal.

Section	Aim	Evaluation
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>		
Chapter 3 Koala Habitat Protection 2020	This Chapter aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.	<b>N/A</b> – The site is not located on land zoned to which this chapter applies.
Chapter 4 Koala Habitat Protection 2021	This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.	<p>The site is located on land to which this chapter applies. The relevant provisions of this chapter for the current planning proposal relates to land with 'no approved koala plan of management for land'.</p> <p>While the relevant provisions of the chapter apply only to the development assessment process, they are included for consideration in the current proposal.</p> <p><b>Consistent</b> – the supporting Ecological Assessment Report (Travers Bushfire &amp; Ecology, 2024) finds that the site does not compromise 'Core Koala Habitat'. It is considered that any future proposed development application would likely satisfy the chapter subject to Council's consideration of a development application.</p>
<b>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</b>		
Whole	This Policy aims to provide streamlined assessment processes for development that complies with specified development standards.	<b>Consistent</b> - Nothing contained within the planning proposal will impede the future application of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
<b>State Environmental Planning Policy (Housing) 2021</b>		
Chapter 2 Affordable Housing	This Chapter supports development for the purpose of affordable housing under S7.32 of the EP&A Act.	<b>Consistent</b> – the planning proposal will establish a 'relevant zone' for the purposes of the Chapter. Despite this, the application of the chapter is not applicable as it relates to the development application process. Notwithstanding, there is nothing contained within the

planning proposal that will impede the future application of the chapter.

Chapter 4 Design of Residential Apartment Development	The aim of this chapter is to improve the design of residential apartment development in New South Wales	<b>Consistent</b> – Nothing contained within the planning proposal will impede the future application of the chapter.
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#### State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 Advertising and Signage	This Chapter aims—(a) to ensure that signage (including advertising)—  (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and  (iii) is of high quality design and finish	<b>Consistent</b> – Nothing contained within the planning proposal will impede the future application of the chapter.
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#### State Environmental Planning Policy (Primary Production) 2021

Chapter 2 Primary Production and Rural Development	This chapter aims to support development while balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources	<b>Consistent</b> – the planning proposal is located on land that is not identified in any current or draft documentation as state significant agricultural land.
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#### State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 3 Hazardous and Offensive Development	This chapter aims to provide a framework for managing hazardous and offensive development.	<b>Consistent</b> – the application of an E1 Local Centre zone would make permissible with consent certain developments defined within this chapter. Nothing contained within the planning proposal will impede the future application of the chapter.
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Chapter 4 Remediation of Land	The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.	<b>Consistent</b> – the planning proposal relates to land on which Clause 4.6(b) and (c), namely that the: <ul style="list-style-type: none"> <li>- Site has been used for a purpose referred to in Table 1 to the contaminated land planning guideline; and,</li> <li>- planning proposal makes permissible future developments defined in this chapter.</li> </ul>
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Nothing contained within the planning proposal will impede the future application of the chapter as it relates to a future development application.

Consideration is given to the SEPP under the current planning proposal through the application of S9.1 Ministerial Direction 4.4 Remediation of Contaminated Land (Refer Attachment 3).



### State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 3 Standards for non-residential development	This Chapter applies controls to certain non-residential development.	<b>Consistent</b> – Nothing contained within the planning proposal will impede the future application of the chapter.
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### State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure	This Chapter applies controls to development potentially affecting council-related infrastructure or services, and certain infrastructure development.	<p><b>Consistent</b> - Nothing contained within the planning proposal will impede the application of the chapter as it relates to a future development application.</p> <p>The application of the chapter as it relates to council-related infrastructure or services (such as stormwater management, traffic and transport, sewer and water servicing, etc.) is considered elsewhere within the relevant sections of the planning proposal.</p> <p>Notwithstanding the above, the traffic impact assessment (WGA, 2024) supplied by the proponent considers the application of subdivision 22 of the SEPP.</p> <p>In addition are the following matters for consideration:</p> <ul style="list-style-type: none"> <li>• As the land is mapped as bushfire prone land, relevant consultation with the NSW Rural Fire Service will be undertaken during gateway implementation.</li> <li>• As the planning proposal will likely support development identified under 'Schedule 3 Traffic-generating development to be referred to TfNSW—Chapter 2', relevant consultation with Transport for NSW will be undertaken during gateway implementation.</li> </ul> <p><b>Consistent</b> – Nothing contained within the planning proposal will impede the future application of the chapter as it relates to certain infrastructure development.</p>
Chapter 3 Educational establishments and child care facilities	This Chapter applies controls to certain educational development.	<b>Consistent</b> – Nothing contained within the planning proposal will impede the future application of the chapter, and in particular provisions relating Part 3.3 Early education and care facilities – specific development controls.

## Attachment 3 – Consistency with S9.1(2) Local Planning Directions

The following table identifies which Local Planning Directions issued by the Minister which are applicable to the planning proposal<sup>10</sup> with an evaluation of consistency. Where a more detailed assessment or justification is necessary, this is considered in Part 3, section B of the proposal (p 21) of the planning proposal.

Ministerial Direction	Evaluation
<b>Focus area 1: Planning Systems</b>	
<p><b>1.1 Implementation of Regional Plans</b></p> <p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p>	<p><b>Consistent</b> – the planning proposal gives effect to the relevant regional plan, being Hunter Regional Plan 2041 (Refer Attachment 1).</p> <p>Consistency with this Direction was confirmed during post-Gateway agency referrals and is detailed in <b>Section E – State and Commonwealth interests</b>.</p>
<p><b>1.2 Development of Aboriginal Land Council land</b></p> <p>The objective of this direction is to provide for the consideration of development delivery plans prepared under chapter 3 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> when planning proposals are prepared by a planning proposal authority.</p>	<p><b>Not applicable</b> - The site is not shown on the Land Application Map of chapter 3 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i>.</p>
<p><b>1.3 Approval and Referral Requirements</b></p> <p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p><b>Consistent</b> – the planning proposal does not contain provisions to which this direction applies.</p>
<p><b>1.4 Site Specific Provisions</b></p> <p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls.</p>	<p><b>Consistent</b> – the planning proposal does not contain provisions to which this direction applies.</p>
<p><b>1.4A Exclusion of Development Standards from Variation</b></p> <p>The objective of this direction is to maintain flexibility in the application of development standards by ensuring that exclusions from the application of clause 4.6 of a Standard Instrument Local Environmental Plan (Standard Instrument LEP) or an equivalent provision of any other environmental planning instrument, are only applied in limited circumstances.</p>	<p><b>Not applicable</b> - The planning proposal does not propose to introduce or alter an existing exclusion to Clause 4.6.</p>
<b>Focus area 2: Design and Place</b>	

<sup>10</sup> Place-based Ministerial directions that only apply to specific local government areas (LGAs), and not to Lake Macquarie LGA, are not included in the table. This includes the following directions: 1.5-1.22, 3.3, 3.4, 3.8, 3.9, 7.2, 7.3, 9.2, 9.4.

Ministerial Direction	Evaluation
<b>Focus area 3: Biodiversity and Conservation</b>	
<p><b>3.1 Conservation Zones</b></p> <p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	<p><b>Consistent</b> – the planning proposal does not affect an environmentally sensitive area or land within a conservation zone.</p> <p>Consistency with this Direction was confirmed during post-Gateway agency referrals and is detailed in <b>Section E – State and Commonwealth interests</b>.</p>
<p><b>3.2 Heritage Conservation</b></p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p><b>Consistent</b> – the planning proposal does not affect any known heritage items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>
<p><b>3.5 Recreation Vehicle Areas</b></p> <p>The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</p>	<p><b>Consistent</b> – the planning proposal does not propose a recreation vehicle area.</p>
<p><b>3.6 Strategic Conservation Planning</b></p> <p>The objective of this direction is to protect, conserve or enhance areas with high biodiversity value.</p>	<p><b>Consistent</b> – the planning proposal does not relate to land that, under the State Environmental Planning Policy (Biodiversity and Conservation) 2021, is identified as avoided land or a strategic conservation area.</p>
<p><b>3.7 Public Bushland</b></p> <p>The objective of this direction is to protect bushland in urban areas, including rehabilitated areas.</p>	<p><b>Consistent</b> - The planning proposal does not relate to public bushland, and the proposal is considered to be consistent with the objectives of the direction.</p>
<p><b>3.10 Water Catchment Protection</b></p> <p>The objectives of this direction are to:</p> <p>(a) maintain and improve the water quality (including ground water) and flows of natural waterbodies and reduce urban run-off and stormwater pollution</p> <p>(b) protect and improve the hydrological, ecological and geomorphological processes of natural waterbodies and their connectivity</p> <p>(c) protect and enhance the environmental quality of water catchments by managing them in an ecologically sustainable manner, for the benefit of all users</p> <p>(d) protect, maintain and rehabilitate watercourses, wetlands, riparian lands and their vegetation and ecological connectivity.</p>	<p><b>Not applicable</b> – The planning proposal does not affect land within a regulated water catchment.</p>
<b>Focus area 4: Resilience and Hazards</b>	
<p><b>4.1 Flooding</b></p> <p>The objectives of this direction are to:</p>	<p><b>Not applicable</b> – The planning proposal does not affect land identified as flood prone land.</p>

Ministerial Direction	Evaluation
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(a) ensure that development of flood prone land is consistent with the NSW Government’s Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and

(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.

#### 4.2 Coastal Management

The objective of this direction is to protect and manage coastal areas of NSW.

#### 4.3 Planning for Bushfire Protection

The objectives of this direction are to:

(a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas and

(b) encourage sound management of bush fire prone areas.

**Not applicable** – The planning proposal does not affect land identified as flood prone land that is within the coastal zone, as defined under the Coastal Management Act 2016 - comprising the coastal wetlands and littoral rainforests area, coastal vulnerability area, coastal environment area and coastal use area - and as identified by chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021

**Consistent** – The planning proposal affects land identified as a vegetation buffer, and Category 2 bushfire prone land.

Pre-lodgement, and post-Gateway Determination advice obtained from NSW RFS indicated that there were no specific concerns in relation to bushfire protection requirements, and that a proposed mixed-use development could generally satisfy the aim and objectives of *Planning for Bushfire Protection 2019*.



Consistency with this Direction was confirmed during post-Gateway agency referrals and is detailed in **Section E – State and Commonwealth interests**.

#### 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 planning proposal affects land with a historic agricultural use. The potential for contamination to occur commensurate to this use is addressed in the Preliminary Site Investigation (PSI).

The PSI also notes that the site is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned

Ministerial Direction	Evaluation
<p>4.5 Acid Sulfate Soils</p> <p>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.</p>	<p>is permitted to be used subject to the findings of a Detailed Site Investigation provided for during a future potential development application.</p> <p><b>Consistent</b> – the planning proposal affects land mapped as Class 5 on the Acid Sulphate Soils Planning map.</p> <p>Subject to Directions 4.5(3) &amp; (4) the planning proposal would permit an intensification of land uses on land identified as having a probability of containing acid sulphate soils.</p> <p>The proponent supplied Acid Sulphate Soil Assessment (Foundation Earth Sciences, 2024) identifies that the site is not impacted by Acid Sulphate Soils to a maximum depth of analysis. The planning proposal is therefore consistent with the Direction.</p> <p>To ensure ongoing consistency with the direction, a copy of the study will be supplied to the Department via the Planning Portal prior to undertaking community consultation in satisfaction of clause 4 of Schedule 1 to the Act.</p>
<p>4.6 Mine Subsidence and Unstable Land</p> <p>The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p>	<p><b>Not applicable</b> – the site is not located on land within a declared mine subsidence district.</p>
<p><b>Focus area 5: Transport and Infrastructure</b></p>	
<p>5.1 Integrating Land Use and Transport</p> <p>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <ul style="list-style-type: none"> <li>(a) improving access to housing, jobs and services by walking, cycling and public transport and</li> <li>(b) increasing the choice of available transport and reducing dependence on cars and</li> <li>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car and</li> <li>(d) supporting the efficient and viable operation of public transport services and</li> <li>(e) providing for the efficient movement of freight.</li> </ul>	<p><b>Consistent</b> – the planning proposal will create urban land for the purposes of the application of this direction.</p> <p>The planning proposal is consistent with the objectives of the direction by way of giving effect to: (a) Improving Transport Choice – <i>Guidelines for planning and development</i> (DUAP 2001), and (b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p> <p>Consistency with this Direction was confirmed during post-gateway agency referrals and is detailed in <b>Section E – State and Commonwealth interests</b>.</p>
<p>5.2 Reserving Land for Public Purposes</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> <li>(a) facilitate the provision of public services and facilities by reserving land for public purposes and</li> </ul>	<p><b>Consistent</b> – the planning proposal makes no changes to any land reserved for public purposes.</p>

Ministerial Direction	Evaluation
<p>(b) facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p><b>5.3 Development Near Regulated Airports and Defence Airfields</b></p> <p>The objectives of this direction are to:</p> <p>(a) ensure the effective and safe operation of regulated airports and defence airfields;</p> <p>(b) ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity; and</p> <p>(c) ensure development, if situated on noise sensitive land, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>	<p><b>Not applicable</b> - the planning proposal will not create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.</p>
<p><b>5.4 Shooting Ranges</b></p> <p>The objectives are to:</p> <p>(a) maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</p> <p>(b) reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</p> <p>(c) identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range</p>	<p><b>Not applicable</b> – the planning proposal will not affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.</p>

## Focus area 6: Housing

<p><b>6.1 Residential Zones</b></p> <p>The objectives of this direction are to:</p> <p>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services and</p> <p>(c) minimise the impact of residential development on the environment and resource lands.</p>	<p><b>Not applicable</b> – the planning proposal will not affect land within an existing or proposed residential zone.</p>
<p><b>6.2 Caravan Parks and Manufactured Home Estates</b></p> <p>The objectives of this direction are to:</p> <p>(a) provide for a variety of housing types and</p> <p>(b) provide opportunities for caravan parks and manufactured home estates.</p>	<p><b>Consistent</b> – nothing contained within the planning proposal will affect the application of the Direction.</p>

Ministerial Direction	Evaluation
<b>Focus area 7: Industry and Employment</b>	
<p>7.1 Employment Zones</p> <p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations, (b) protect employment land in employment zones and (c) support the viability of identified centres.</p>	<p><b>Consistent</b> – the planning proposal will not affect land within an existing or proposed employment zone and will give effect to the objectives of the direction.</p> <p>Consistency with this Direction was confirmed during Gateway Determination.</p>
<b>Focus area 8: Resources and Energy</b>	
<p>8.1 Mining, Petroleum and Extractive Industries</p> <p>The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.</p>	<p><b>Consistent</b> – the application of the planning proposal would not have an effect which will increase the prohibition of mining of coal, other minerals, production of petroleum, obtaining extractive materials or restricting the potential development of these resources by permitting a land use that is likely to be incompatible.</p> <p>Consistency with this Direction was confirmed during post-Gateway agency referrals and is detailed in <b>Section E – State and Commonwealth interests</b>.</p>
<b>Focus area 9: Primary Production</b>	
<p>9.1 Rural Zones</p> <p>The objective of this direction is to protect the agricultural production value of rural land.</p>	<p><b>Inconsistent</b> – the planning proposal is inconsistent with the application of Direction 9.1(1)(a) as it will rezone land from a rural zone to an employment zone.</p> <p>A justification of the inconsistency is provided for in Section 7 of the planning proposal.</p> <p>The inconsistency of this Direction was further justified during post-Gateway agency referrals and is detailed in <b>Section E – State and Commonwealth interests</b>.</p>
<p>9.3 Oyster Aquaculture</p> <p>Applies to a planning proposal for a change of land use which could have adverse impacts in a 'Priority Oyster Aquaculture Area' or an area identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy (2006)</i>.</p>	<p><b>Not applicable</b> – There are no identified Priority Oyster Aquaculture Areas located in Lake Macquarie.</p>