

Matters Referred
Monday 24 February 2025

25SP016	Endorsement of Housing Diversity Planning Proposal
----------------	--

Key focus area	4. Diverse economy
Objective	4.5 New development and growth complement our unique character and sense of place, now and into the future
File	RZ/4/2023/COUNCILREPORTS - D11878111
Author	Senior Strategic Landuse Planner - Abigail Hawtin
Responsible manager	Manager Integrated Planning - Wes Hain
Previous items	24DP021 - Endorsement of Housing Diversity Planning Proposal - Development and Planning Standing Committee - 02 Dec 2024 6:30 PM 24DP004 - Housing diversity planning proposal - Development and Planning Standing Committee - 12 Feb 2024 6.30pm

At the Development and Planning Standing Committee meeting held on 2 December 2024, Council resolved to defer a decision on the Housing Diversity planning proposal, pending a Councillor workshop with staff (24DP021). The workshop was held on 3 February 2025 and allowed further discussion on key elements of the proposal. As this is a matter referred, this paragraph is the only change to the report.

Executive summary

This report details the results of the public exhibition and state agency consultation for the housing diversity planning proposal and seeks Council’s resolution to endorse the planning proposal in Attachment 1.

The planning proposal aims to increase housing diversity in Lake Macquarie by permitting a broad range of housing types in the R2 Low Density Residential zone and R3 Medium Density Residential zone.

The planning proposal was exhibited from 16 September to 14 October 2024, and 20 submissions were received, including 13 supportive of the planning proposal. A summary of the issues raised and responses can be found in Attachment 2. As a result of exhibition, some changes have been made to the planning proposal.

Recommendation

Council:

- A. endorses the planning proposal to amend the *Lake Macquarie Local Environmental Plan (LMLEP 2014)*, as provided in Attachment 1,

- B. notes the submissions received during public exhibition (Attachment 2) and the outcomes of the State agency consultation,
- C. makes the amendment to the *LMLEP 2014* under delegation granted by the Minister for Planning and Public Spaces, pursuant to section 3.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979), and
- D. notifies those who made a submission of Council's decision.

Context

On 12 February 2024 (24DP004), Council resolved to exhibit the Housing Diversity Planning Proposal. The planning proposal was initiated by Council and aims to enable a greater variety of residential housing types in the city.

Australia is currently experiencing a 'housing crisis' affecting regional communities including Lake Macquarie. Lake Macquarie requires more diverse housing to support future population growth and demographic changes like an ageing population and smaller households.

In November 2023, Council received a letter from the Minister for Planning and Public Spaces stating that NSW is in a housing crisis and there is a need to increase housing supply and diversity of homes across our suburbs. The letter requests that councils look at their policy settings with the aim of expanding the number of homes in their local government area (LGA). The Minister's letter and housing crisis was also the subject of the Mayoral Minute (23MM005) from the 11 December 2023 Ordinary Council meeting.

By 2036, couple families without children and lone person households will account for almost 50 per cent of all households in Lake Macquarie. These trends suggest greater demand for smaller dwellings to match these forecast shifts in household types. Despite increasing demand for smaller and more diverse housing types, 84 per cent of all housing in the city is single dwellings on separate blocks of land and homes with three or more bedrooms make up almost 70 per cent of all housing.

Lake Macquarie needs to increase the diversity and choice in the types of housing available to ensure housing supply caters for the needs of changing demographics into the future and to ensure a range of housing options are available to support affordability. Enabling diverse and smaller homes supports more efficient use of infrastructure, infill development, public transport viability and reduced living costs associated with maintaining a smaller home.

This planning proposal has the potential to facilitate greater housing supply and diversity across the LGA. It is consistent with the NSW Government's position and is a key implementation action from the Lake Macquarie Housing Strategy adopted by Council in 2021.

Discussion

The planning proposal in Attachment 1 aims to increase housing diversity in Lake Macquarie by permitting a broad range of housing types in the R2 Low Density Residential zone and R3 Medium Density Residential zone.

Currently, the R2 Low Density zoned areas of the city mainly supply single detached dwellings and dual occupancies. The R3 Medium Density zoned areas mainly supply single detached dwellings and, in certain areas such as Warners Bay and Charlestown, higher density housing types such as multi-dwelling housing and apartments.

Lower intensity infill housing developments (such as dual occupancies and semi-detached dwellings) are currently restricted to the R2 Low Density Residential zone and R1 General

Residential zone. The R3 Medium Density Residential zone currently allows more intensive medium density developments such as attached dwellings, multi-dwelling housing and apartments.

The basis of the existing permitted housing types in each zone is to prevent higher intensity infill development in the R2 Low Density Residential zone and restrict lower intensity infill development in the R3 Medium Density Residential zone, reserving R3 Medium Density Residential zoned land for higher intensity development types. Given the subtle difference between the residential development types, this approach is unnecessarily restrictive. The bulk, scale and character of development can be managed through other controls in the *LMLEP 2014* such as building heights, lots sizes and zone objectives and other development controls in the Lake Macquarie Development Control Plan 2014.

The R4 High Density Residential zone has recently been introduced in Charlestown where this land has been identified and reserved for high intensity infill housing development.

This planning proposal aims to permit ‘residential accommodation’ in the R2 Low Density Residential and R3 Medium Density Residential zones. Residential accommodation is an umbrella term which includes a broad range of housing types. A comparison of the main residential accommodation uses currently permitted and proposed by this planning proposal are shown in Table 1.

Table 1 - Existing and proposed housing types permitted with consent in the R2 Low Density and R3 Medium Density zones.

	Dwelling house	Secondary dwelling	Dual occupancy	Semi-detached dwellings	Attached dwellings	Multi-dwelling housing	Residential flat buildings (or Manor Houses)
Existing							
R2 Zone – buildings up to 2 storeys							
R3 Zone – buildings 3 to 4 storeys							
Proposed							
R2 Zone - buildings up to 2 storeys							
R3 Zone- buildings 3 to 4 storeys							

The planning proposal would permit dual occupancies and semi-detached dwellings in the R3 Medium Density Residential zone. It would also permit attached dwellings, multi-dwelling housing and residential flat buildings in the R2 Low Density Residential zone. Although this

means both zones will permit similar uses, the low-density and medium-density zones are still differentiated by zone objectives, building height controls and minimum lot sizes controls. This planning proposal does not propose to change zone objectives, building heights or minimum lot sizes. The maximum building height remains at 8.5m (2 storeys) for land zoned R2 Low Density Residential and between 10m and 13m (3 and 4 storeys) for land zoned R3 Medium Density Residential.

The planning proposal also proposes changes to clause 4.1A “Exceptions to minimum subdivision lot size for certain residential development” in the *LMLEP 2014* to enable additional flexibility and feasibility for small lot housing:

- For the R2 zone:
 - Remove requirement for dual occupancy to be constructed before subdivision, provided Council determines that a dwelling can be appropriately located on each lot.
 - Reduce the minimum lot size for subdivision of three or more lots from 300m² to 250m² provided Council determines that a dwelling house or attached dwelling can be appropriately located on each lot. The reduction is consistent with the existing minimum lot size for one into two lot subdivisions.
- For the R3 zone:
 - Enable subdivision of one into two lots of at least 200m² provided Council determines that a dwelling can be appropriately located on each lot.

Changes have been made to the planning proposal in response to submissions received during public exhibition, including:

- adding multi-dwelling housing, attached housing and residential flat buildings to the specific heritage clause for Catherine Hill Bay, and
- clarifying planning controls to not permit a dual occupancy on a battle axe lot in the R3 Medium Density Residential zone which is consistent with the R2 Low Density Residential zone.

A merit assessment of any future development application will still be required to ensure that the development is appropriately designed and responds to site and environmental factors.

Community engagement and internal consultation

The planning proposal was exhibited from 16 September to 14 October 2024 in accordance with the Gateway Determination. The planning proposal was exhibited on Council’s Shape Lake Mac webpage and advertised via a media release and Council’s e-newsletters. The Shape Lake Mac page received 1779 views and reached 3382 people through Council’s e-newsletters.

Council received a total of 20 submissions including 13 supporting the planning proposal. A summary of submissions is provided in Attachment 2.

Submissions raised the benefits of the proposal including increased development options for smaller developers, greater housing diversity and enhanced opportunities for intergenerational living. Submissions also requested Council consider further options to improve housing affordability and to consider the need for supporting infrastructure. Some submissions raised concerns the planning proposal will not effectively reduce housing prices.

Changes were made to the planning proposal in response to submissions as outlined in the 'Discussion' section of this report.

State agency consultation

Consultation was undertaken with State agencies in accordance with the Gateway Determination.

Hunter Water had no objection to the planning proposal and advised water and sewer servicing requirements will be assessed as part of future development applications.

NSW Rural Fire Service had no objection to the planning proposal and advised that assessment of bush fire risk will be required for future development applications.

Subsidence Advisory NSW advised had no objection to the planning proposal and advised subsidence risks will be assessed as part of future development applications.

Internal consultation

Staff from Council's Development Assessment and Certification and Integrated Planning departments provided input and advice during the assessment and preparation of the planning proposal.

Assessment of options

Endorsing the planning proposal will enable a broader range of housing types on residential zoned land in the city. This will enable flexibility for different housing types and make more efficient use of residential zoned land consistent with the objectives of the Lake Macquarie Housing strategy, Local Strategic Planning Statement and Hunter Regional Plan. This is the recommended option.

Not endorsing the planning proposal will retain the existing land uses permitted in residential zones. This will continue to restrict the housing types permitted on residential zoned land.

Next steps

If Council endorses the recommendation to amend the *LMLEP 2014*, staff will prepare and finalise a local environmental plan amendment in accordance with section 3.36(2) of the *EP&A Act 1979*. Once the amendment to the *LMLEP 2014* is finalised, landowners will be able to lodge development applications for the range of housing types in both the R2 Low Density Residential zone and R3 Medium Density Residential zone.

Key considerations

Economic

The planning proposal supports economic sustainability by enabling more flexibility within the planning system to respond to market demand for diverse housing options.

The planning proposal will also facilitate the efficient use of urban land and support the supply of infill housing.

Environment

The planning proposal supports environmental sustainability by facilitating more opportunities for infill development. Development of existing urban land for housing reduces the need for urban sprawl to accommodate future growth by making more efficient use of residential zoned land.

The Lake Macquarie Development Control Plan 2014 contains controls to ensure appropriate setbacks and open space is provided as part of future development applications.

Community

The planning proposal supports social sustainability by encouraging a broader range of housing types that better match the needs and preferences of the community and aims to allow more people to live near services and facilities increasing public transport viability.

The planning proposal will facilitate smaller and more cost-effective housing options to meet the needs of different demographics, particularly providing downsize opportunities for ageing households and entry-level opportunities for single and couple households.

Civic leadership

The planning proposal is consistent with the Lake Macquarie Housing Strategy and Local Strategic Planning Statement, which include objectives to increase housing diversity and infill housing supply.

Financial

There are minimal financial implications to Council associated with the recommendation. The proposed planning control changes are being undertaken using existing resources and budget.

Infrastructure

The planning proposal will enable an increase in housing density which will enable more efficient use of public infrastructure.

The proposed planning control changes aim to facilitate the practical and economical use of existing infrastructure by enabling more people to live close to and easily access that infrastructure.

Compliance

The planning proposal has been prepared in accordance with the process outlined within the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, and Council's procedure for Amending Local Environmental Plans.

Legislative and policy considerations

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

Lake Macquarie Local Environmental Plan 2014

Hunter Regional Plan 2041

Greater Newcastle Metropolitan Plan 2036

Lake Macquarie Local Strategic Planning Statement

Lake Macquarie Housing Strategy

Lake Macquarie Development Control Plan 2014

Attachments

1. Housing Diversity Planning Proposal - Version 3 - Post Exhibition
Version- RZ/ 4/2023 - 22 March 2024 D11732869
2. Summary of submissions - Housing Diversity Planning Proposal D11740839



Planning Proposal Housing Diversity

Summary	Details
Name of draft LEP:	Housing Diversity Planning Proposal
Subject land:	R1 General Residential zoned land R2 Low Density Residential zoned land R3 Medium Density Residential zoned land
Proponent:	Lake Macquarie City Council
Landowner:	The planning proposal is not site specific
Planning portal reference:	PP-2024-278
Council reference:	RZ/4/2023
Version:	3 – Post- exhibition
Date:	11 November 2024
Author:	Abigail Hawtin – Strategic Landuse Planner
Attachments	<ol style="list-style-type: none"> 1. Hunter Regional Plan Assessment Checklist 2. Coastal Design Guidelines 2023 assessment checklist (available on the NSW planning portal)

Version	Author	Date	Details
1	Abigail Hawtin	11/01/24	Attachment 1 to Council report 'Housing diversity planning proposal' - D11307921
1A	J Dunkerley	21/3/24	Update Hunter Regional Plan strategies, SEPP's and Ministerial Directions
2	Abigail Hawtin	11/09/2024	Update agency consultation
3	Abigail Hawtin	11/11/2024	Post-exhibition changes



Contents

Part 1 – Objectives and intended outcomes 3

Part 2 – Explanation of provisions 3

Part 3 – Justification of strategic and site-specific merit 4

 Section A – need for the planning proposal 8

 Section B – relationship to the strategic planning framework 9

 Section C – environmental, social and economic impact 16

 Section D – Infrastructure (Local, State and Commonwealth) 17

 Section E – State and Commonwealth interests 17

Part 4 – Mapping 19

Part 5 – Community Consultation 19

Part 6 – Project Timeline 19



Part 1 – Objectives and intended outcomes

Objective

- To increase the supply and diversity of housing types in Lake Macquarie City's residential zones.

Intended outcomes

- Implement the Hunter Regional Plan 2041 and Lake Macquarie Housing Strategy by enabling more opportunity for development of various housing types, particularly smaller forms of housing.
- Avoid encroachment of urban development into environmentally sensitive land by making more efficient use of available urban land.
- Improve viability of public transport and services within new and existing residential areas.
- Facilitate future housing growth in infill areas.
- Enable a greater mix of housing types to accommodate Lake Macquarie's growing population.

Part 2 – Explanation of provisions

1. Permit "residential accommodation" in R2 Low Density Residential zone and R3 Medium Density Residential Zone.
2. Amend Clause 4.1A to enable small lot sizes commensurate to the changes to housing types permitted in the R2 and R3 zones, including:
 - Subdivision of land in the R1 and R2 zone into two lots of at least 250m², if the consent authority is satisfied a dwelling could be appropriately located on each resulting lot
 - Subdivision of land in the R3 zone into two lots of at least 200m², if the consent authority is satisfied a dwelling could be appropriately located on each resulting lot, or erection of a dwelling for lots less than 200m²
 - Subdivision of land in the R2 zone into three or more lots of at least 250m², if the consent authority is satisfied a dwelling or attached dwelling could be appropriately located on each lot and each resulting lot has frontage to a road
3. Clarify the meaning of road frontage to ensure it does not enable small-lot battle axe subdivisions for 3 or more lots.
4. Amend 4.1B to reduce the min lot size to 250m², consistent with Clause 4.1A.
5. Amend 4.2B to prohibit dual occupancies on battle-axe lots in Zone R3
6. Amend Clause 7.25 Development on land in Catherine Hill Bay Village Precinct and Middle Camp Village Precinct: to include multi-dwelling housing, attached housing and residential flat buildings.



Part 3 – Justification of strategic and site-specific merit

Australia is currently experiencing a 'housing crisis' affecting regional communities including Lake Macquarie. Across our city new dwelling commencements have fallen, building costs have increased, vacancy rates are low at around one per cent (CoreLogic, Sep 2023), social housing waitlist times exceed ten years, rental costs and median house prices are continuing to climb resulting in significant rental and mortgage stress. Migration and decreasing household sizes continue to increase the demand for well-located and well serviced homes. As such, it is essential that Council looks for ways to support housing across the city.

The Lake Macquarie Housing Strategy (Housing Strategy), adopted by Council in April 2020 and updated in 2021, was informed by significant research into the housing market, liveability, affordability, design and feasibility and included significant community and industry consultation to understand the city's housing needs. The outcomes showed the need for a focus on infill housing and increased housing diversity in the city. Focusing housing growth close to jobs and services and increasing housing diversity are strategic directions supported by the Lake Macquarie City Local Strategic Planning Statement, the Hunter Regional Plan 2041 and the Greater Newcastle Metropolitan Plan. In November 2023, Council received a letter from the Minister for Planning and Public Spaces stating that NSW is in a housing crisis and there is a need to increase housing supply and diversity of homes across our suburbs. The letter requests that councils look at their policy settings with the aim of expanding the number of homes in their LGA. This planning proposal has the potential to facilitate greater housing supply and diversity across the LGA and is consistent with the NSW Government's position.

There is increasing need to provide more diverse housing in Lake Macquarie to support future growth, an ageing population and smaller household sizes. By 2036 couple families without children and lone person households will account for almost 50 per cent of all households. These trends suggest greater demand for smaller and/or more affordable dwellings to match these forecast shifts in mix of household types. Currently 84 per cent (2020) of houses in Lake Macquarie are detached dwellings. Current supply is heavily biased towards detached dwellings, despite increasing demand for semi-detached dwellings and apartments. There is a high proportion of households living in housing stress in Lake Macquarie LGA and low supply of affordable rental housing to relieve this stress. This is creating demand for a diversity of dwelling options that are affordable.

A study was undertaken in 2012 of housing preferences in the Lower Hunter region. Based on the stated preferences 46 per cent of households would prefer to occupy a semi-detached dwelling or an apartment. Only 16 per cent of the existing stock in 2011 provided these housing options. However, 30 per cent of the new supply between 2001 and 2010 was non-detached dwellings, indicating a shift towards the preferred dwelling types in new dwelling construction.

To support the supply of smaller dwellings, it is proposed to enable more flexible, smaller subdivision and permit a broad range of housing across the R2 and R3 residential zones. It is intended that by permitting more types of housing, more opportunities for diverse housing forms will be enabled throughout the city.

Currently the R2 Low Density zoned areas of the city mainly supply single dwellings and dual occupancies. The R3 Medium Density zoned areas mainly supply single dwellings and in certain areas such as Warners Bay and Charlestown higher density types such as apartments and multi-dwelling units. Lower intensity infill forms are restricted to the R2 zone and R1 zone as shown in Table 1. Whereas the R3 zone allows more intensive medium density forms: attached dwellings, multi-dwelling housing and apartments.



The basis of the existing policy is to prevent higher intensity infill in the R2 zone and restrict lower intensity infill in the R3 zone, however given the subtle difference between the residential development types, this approach is unnecessarily restrictive. The intensity and character of development can be managed through other controls including maximum building heights, zone objectives and development controls.

The planning proposal aims to permit (with consent) “residential accommodation” in the R2 Low Density Residential and R3 Medium Density Residential zones. Residential accommodation is an umbrella term which includes a broad range of housing types. A comparison of the main residential accommodation uses currently permitted and proposed is shown in Table 1:

Table 1- existing and proposed housing types permissible in the R2 Low Density and R3 Medium Density Zone

	Dwelling house	Secondary dwelling	Dual occupancy	Semi-detached dwellings	Attached dwellings	Multi-dwelling housing	Residential flat buildings (or Manor Houses)
Existing							
R2 Zone – buildings up to 2 storeys							
R3 Zone – buildings 3 to 4 storeys							
Proposed							
R2 Zone - buildings up to 2 storeys							
R3 Zone- buildings 3 to 4 storeys							

The planning proposal would permit dual occupancies in the R3 Medium Density Residential zone. It would also permit attached dwellings, multi-dwelling housing and residential flat buildings in R2 Low Density Residential zone. Although this means both zones will permit similar uses, the low-density and medium-density zones are still differentiated by zone objectives, building height controls and minimum lot sizes controls.

Permitting dual occupancies in the R3 zone will enable low-scale infill medium density where more intensive forms of medium density may not be feasible. Feasibility and site amalgamation are key barriers to infill development under the current planning regime (Lake Macquarie Housing Study 2018). As part of the Lake Macquarie Housing Study, SHAC Architects developed a series of eight infill housing designs suited to the lots identified as common types in the four case study locations in Lake Macquarie. Options to develop sites without amalgamation were seen as a key strategy for



the new housing designs. Five of the eight infill housing design incorporated some form of dual occupancy development, demonstrating it's potential as a viable form of infill. Additionally, dual occupancies do not require amalgamation, and do not always necessitate demolition of an existing dwelling.

The Hunter Regional Plan 2041 supports the full spectrum of medium density housing, including dual occupancies, attached dwelling and multi dwelling housing being permissible within residential zones that apply to urban core, general urban, inner suburban and general suburban contexts. Within the state's emerging six cities region reforms, dual occupancies are permitted in 65 per cent of lots in the Medium Density Residential zone.

The planning proposal will also permit multi-dwelling housing, attached housing and residential flat buildings in the R2 Low Density Residential zone. The intention is to facilitate more infill development and diverse housing in the R2 Low Density Residential zone.

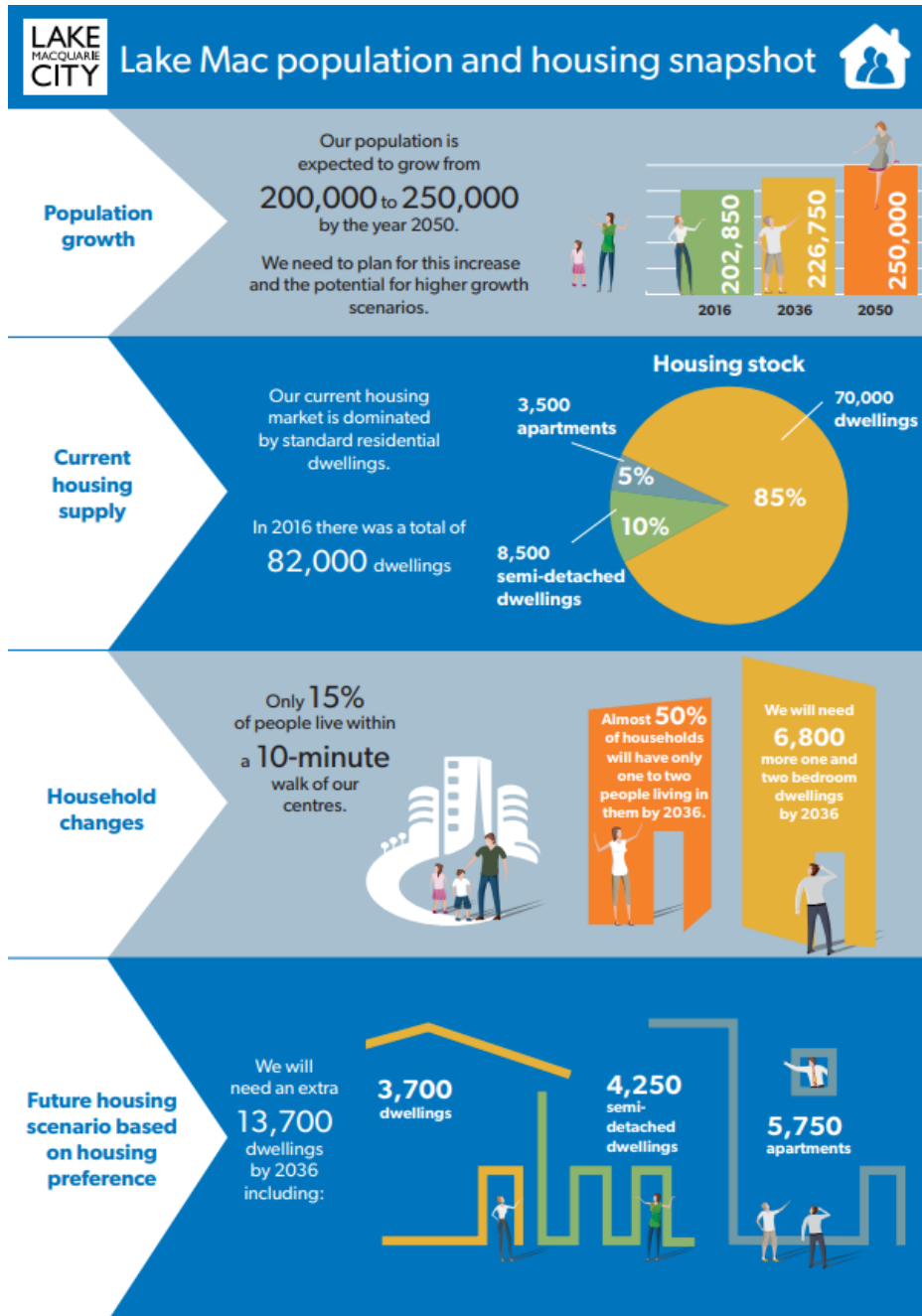
The planning proposal will allow residential flat buildings in the R2 zone which will be controlled by a maximum building height of 8.5m. The Lake Macquarie Housing Strategy includes an objective to promote and support a broader range of housing types including manor houses. Manor houses are a low scale form of residential flat building which typically contain three or four dwellings in a two storey building, with two dwellings on the ground floor and two located directly above. Manor houses provide a more affordable housing type within low and medium density contexts. Manor houses typically present as an oversized double storey house and as such can blend in with low density streetscapes. Permitting residential flat buildings with an 8.5m height limit will support low rise manor houses.

Changes to Clause 4.1A are proposed to enable small lot sizes commensurate to the changes to housing types permitted in the residential zones. Other minor changes are also proposed to enable subdivision of existing dual occupancies and clarify the meaning of road frontage.

Following exhibition, the following amendments have been included in the planning proposal:

Additionally, it is proposed to amend Clause 4.2B "Dual occupancies on battle-axe lots in Zone R2" to also apply to the R3 zone. This will ensure the existing policy will apply to the R3 zone where dual occupancies will be permitted. The intention of this clause is to prevent more than two lots being serviced by a single battle axe handle. This ensures development sites are situated appropriately to accommodate vehicle access, utilities and services.

Amend Clause 7.25 Development on land in Catherine Hill Bay Village Precinct and Middle Camp Village Precinct: to include multi-dwelling housing, attached housing and residential flat buildings. Clause 7.25 applies specifically to the state heritage listed area of Catherine Hill Bay. It applies additional heritage considerations to land uses which will increase residential density. Currently, the clause applies to development for the purposes of dual occupancies, secondary dwellings and semi-detached dwellings. Given this planning proposal aims to introduce multi-dwelling housing, attached housing and residential flat buildings to the R2 Low Density Residential zone, it is appropriate to include in the clause to ensure the heritage considerations will continue to apply.



Source: Lake Macquarie Housing Strategy 2020



No.	Question	Considerations
Section A – need for the planning proposal		
1	Is the planning proposal a result of an endorsed LSPS, strategic study or report?	<ul style="list-style-type: none"> • Yes, the planning proposal will implement the Lake Macquarie Local Strategic Planning Statement (LSPS) and Lake Macquarie Housing Strategy. Both strategies have fundamental aims of improving housing diversity and supply across the city. The planning proposal will provide opportunities for housing growth, particularly infill housing, by permitting a broader range of medium density housing in residential zones. • The LSPS contains the following planning priority: • Planning Priority 2: A City to Call Home – where diverse housing options cater to everyone’s needs: The city will provide opportunities for substantial growth in new housing, including a greater mix of housing types to accommodate our growing population. • Planning Priority 2 includes a principle to “implement policy to facilitate the supply of diverse housing that is sustainable, affordable and caters for a variety of life stages, lifestyles, demographics, and enables social inclusiveness.” • Action 2.4: Implement the Lake Macquarie Housing Strategy, including LEP and DCP amendments to support infill housing.
2.	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	<ul style="list-style-type: none"> • A planning proposal is the best means of achieving housing diversity. Permissibility and minimum lot size is controlled through the LEP and Clause 4.6 will not enable exceptions where the land use is not permissible in the land use table. • Amending the land use table is the most straight forward approval pathway. It will also provide consistency with state policy reforms currently being exhibited. • The R1 General Residential zone permits a broad range of housing types. The option to rezone land to R1 General Residential zone was not pursued so that the R2 and R3 zones can still be differentiated according to building heights, minimum lot sizes and DCP controls. • An Additional Permitted Use was not pursued as amending the land use table is a more simple and conventional approach and will enable more opportunities for diverse housing throughout the city.



No.	Question	Considerations
Section B – relationship to the strategic planning framework		
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)?	<p>Hunter Regional Plan 2041 (HRP)</p> <p>The HRP 2041 builds on the previous plan and resets the regional plan priorities to ensure it continues to respond to the region's needs for the next 20 years. The HRP 2041 contains nine objectives and identities strategies to achieve the objectives. A planning proposal must be consistent with an identified strategy or demonstrate how the relevant performance outcomes will be achieved. Attachment 1 contains an assessment of the planning proposal against these strategies. The objectives relevant to this planning proposal are:</p> <p>Objective 3: Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive, and vibrant communities</p> <ul style="list-style-type: none"> Although there are no specific strategies directly relating to this planning proposal, the proposal will support achievement of this objective. Enabling more diverse housing forms in existing residential areas will support the creation of vibrant, inclusive 15-minute neighbourhoods. It will increase opportunities for feasible infill housing maximising use of existing infrastructure and increasing the viability of local shops, services, public and active transport <p>Objective 4: An inter-connected and globally-focused Hunter without car dependent communities</p> <ul style="list-style-type: none"> Although there are no specific strategies directly relating to this planning proposal, the proposal will support achievement of this objective. Enabling more diverse infill housing forms in existing urban areas will increase urban density and make better use of existing active and public transport routes. Increased density will also support public transport improvements. <p>OBJECTIVE 5: Plan for 'nimble neighbourhoods', diverse housing, and sequenced development</p> <ul style="list-style-type: none"> The planning proposal will support achievement of this objective. More diverse housing forms enable the growth of existing urban areas towards the desired dwelling densities. A mix of housing types provides opportunities for people to remain in their desired community as their needs change throughout each life-stage. The planning proposal is consistent with Strategy 5.3 because it will broaden the range of permitted residential accommodation types including attached



No.	Question	Considerations
		<p>dwelling, boarding houses, dual occupancies, group homes, multi dwelling housing, secondary dwellings and semi-detached dwellings.</p> <p>OBJECTIVE 6: Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments</p> <ul style="list-style-type: none"> Although there are no specific strategies directly relating to this planning proposal, the proposal will support achievement of this objective. Enabling greater diversity and density of housing in existing zoned areas reduces the needs for rezoning land on the urban fringe and the impacts environmentally sensitive areas often associated with greenfield development. <p>Greater Newcastle Metropolitan Plan 2036 (GNMP 2036)</p> <ul style="list-style-type: none"> The planning proposal is consistent with the GNMP which identifies that providing housing diversity and choice will improve affordability, help meet the needs of an ageing population and support the reduction of household size. To support the changing population and dwelling needs, the GNMP sets a 60 per cent target for new dwellings in the existing urban area by 2036. This may be achieved with a variety of housing types, including secondary dwellings, apartments, townhouses, and villas. Demographic household changes are creating the need for a more diverse mix of homes to meet a wide range of lifestyle needs and budgets, including young families, older people and singles. This means a range of housing types, tenures and price points are required to make it easier for people to own their own home. The provision of rental housing for lower income households, and affordable and social housing for the most vulnerable is equally important. The Plan sets a target of 25 per cent small lot and multi-dwelling housing by 2036. This may include a mix of apartments, dual occupancies, townhouses, villas and homes on lots less than 400 square metres, by 2036. Figure 8: Housing opportunities map (2018) identifies R2 and R3 residential zoned land in Lake Macquarie as “Infill Urban Area with Infill Housing Opportunities”. The planning proposal will support infill opportunities across the R2 and R3 zones. In particular, the planning proposal delivers on: <p>Outcome 3: Deliver housing close to jobs and services.</p>



No.	Question	Considerations
		<p>Strategy 16: Prioritise the delivery of infill housing opportunities within existing urban areas.</p> <p>Action 16.1 Greater Newcastle councils will focus new housing in existing urban areas, particularly within strategic centres and along urban renewal corridors.</p>
4	<p>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</p>	<p>Lake Macquarie Local Strategic Planning Statement (LSPS)</p> <ul style="list-style-type: none"> • Yes, the planning proposal will implement the Lake Macquarie Local Strategic Planning Statement which has a planning priority to improving housing diversity and supply across the city. The planning proposal will provide opportunities for housing growth, particularly infill housing, by permitting a broader range of medium density housing in residential zones. • The LSPS contains the following planning priority: • Planning Priority 2: A City to Call Home – where diverse housing options cater to everyone’s needs: The City will provide opportunities for substantial growth in new housing, including a greater mix of housing types to accommodate our growing population. • Planning Priority 2 includes a principle to “implement policy to facilitate the supply of diverse housing that is sustainable, affordable and caters for a variety of life stages, lifestyles, demographics, and enables social inclusiveness.” • Action 2.4: Implement the Lake Macquarie Housing Strategy, including LEP and DCP amendments to support infill housing. <p>Lake Macquarie Housing Strategy</p> <p>The Lake Macquarie Housing Strategy identifies the following strategy objectives:</p> <ol style="list-style-type: none"> 1. facilitate efficient housing supply & infrastructure co-ordination. 2. increase diversity & choice in housing. 3. facilitate infill opportunities for housing near jobs and services. 4. increase affordable rental housing and home ownership. 5. facilitate housing design for innovation and sustainability. <ul style="list-style-type: none"> • The planning proposal will provide land and housing development opportunities to meet demand, by enabling more supply and diversity of housing in new and existing communities.



No.	Question	Considerations
		<ul style="list-style-type: none"> The planning proposal will enable more efficient use of greenfield land and infrastructure by enabling marginally higher density housing and provide housing options to suit different needs.
5	Is the planning proposal consistent with any other applicable State and regional studies or strategies?	<ul style="list-style-type: none"> NSW Government low-and mid-rise housing reforms The NSW Government is exhibiting reforms to promote housing diversity and supply in NSW. The NSW reforms aim to permit three to six storey residential flat buildings in the R3 Medium Density Residential Zone within 800m proximity of town centres and train stations. It also aims to permit multi-dwelling housing, attached housing and two storey residential flat buildings in the R2 Low Density Residential zone within 800m proximity of town centres and train stations. The planning proposal is consistent with the NSW reforms, in that the planning proposal will permit the same housing types proposed for the R2 Low Density and R3 Medium Density zones. However, the proposed NSW reforms will allow additional building height and density where justified by the amenity of the location. Adopting the same land uses in the LEP as the NSW reforms will enable a more simple and consistent approval pathway. The application area of the reforms covers a large proportion of R2 and R3 zoned land in Lake Macquarie, so permitting the proposed land uses according to zone will provide better clarity. Landowners will be able to determine permissibility based on the land use table in the LEP.
6	Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?	<p>The following State Environmental Planning Policies are applicable to the planning proposal:</p> <p>SEPP (Biodiversity and Conservation) 2021</p> <ul style="list-style-type: none"> The planning proposal is not site specific and applies to land that is already zoned for urban development. The provisions of this SEPP will be considered at the development application stage. <p>SEPP (Housing) 2021</p> <ul style="list-style-type: none"> The planning proposal is consistent with the principles of SEPP (Housing) 2021 as the changes will enable the development of diverse housing types in existing urban areas, making better use of existing infrastructure and services.



No.	Question	Considerations
		<p>SEPP (Resilience and Hazards) 2021</p> <ul style="list-style-type: none"> The planning proposal is not site specific and applies to land that is already zoned for urban development. The provisions of this SEPP will be considered at the development application stage. <p>SEPP (Sustainable Buildings) 2022</p> <ul style="list-style-type: none"> The planning proposal is not site specific and applies to land that is already zoned for urban development. The provisions of this SEPP will be considered at the development application stage.
7	<p>Is the planning proposal consistent with the applicable Ministerial Directions (section 9.1 Directions)?</p>	<p>The following Ministerial Directions are applicable to the planning proposal:</p> <p>1.1 Implementation of Regional Plans</p> <p>The planning proposal is consistent with the Hunter Regional Plan 2041 as detailed in Part A of this planning proposal.</p> <p>1.3 Approval and Referral Requirements</p> <ul style="list-style-type: none"> The planning proposal is consistent with this Direction because it does not include provisions that require concurrence, consultation or referral to a minister or public authority. <p>1.4 Site Specific Provisions</p> <ul style="list-style-type: none"> The planning proposal is consistent with this Direction because it does not contain site-specific provisions. <p>3.2 Heritage Conservation</p> <ul style="list-style-type: none"> Some R2 and R3 zone land in Lake Macquarie is also located within a heritage conservation area or contains heritage items. The planning proposal is consistent with this Direction because it does not alter the existing heritage provisions in the <i>Lake Macquarie Local Environmental Plan 2014</i> that facilitate the conservation of heritage. Heritage conservation will continue to be considered at the development application stage in accordance with all relevant LEP and DCP provisions. <p>4.1 Flooding</p> <ul style="list-style-type: none"> Some R2 and R3 zone land in Lake Macquarie is also identified as flood affected land.



No.	Question	Considerations
		<ul style="list-style-type: none"> The planning proposal is consistent with this Direction because it does not propose to rezone specific land and it will not alter the existing flood planning provisions in the <i>Lake Macquarie Local Environmental Plan 2014</i> that ensure development is considered in accordance with the Flood Risk Management Manual 2023. Expanding the diversity of permissible dwelling types does not automatically confer rights for additional dwellings on flood-prone land. Flood risk will continue to be considered for all forms of development at the development application stage in accordance with NSW Flood Prone Land Policy and other relevant LEP and DCP provisions. <p>4.2 Coastal Management</p> <ul style="list-style-type: none"> Some R2 and R3 zone land in Lake Macquarie is also identified as being in the coastal zone. The planning proposal is consistent with this Direction because it does not propose to rezone specific land or increase development standards that results in an intensification of land use. Expanding the diversity of permissible dwelling types does not automatically confer rights for additional dwellings in the coastal zone. Coastal management will continue to be considered for all forms of development at the development application stage in accordance with the Coastal Management Manual, Guidelines and other relevant SEPP, LEP and DCP provisions. Attachment 2 contains the Coastal Design Guidelines 2023 assessment checklist. Attachment 2 is available on the NSW planning portal. <p>4.3 Planning for Bushfire Protection</p> <ul style="list-style-type: none"> Some R2 and R3 zone land in Lake Macquarie is also mapped as bushfire-prone land, requiring referral of this planning proposal to the NSW Rural Fire Service. The planning proposal seeks diversify the types of dwellings permitted in the R2 and R3 residential zones across the Lake Macquarie local government area. It does not seek to rezone specific land or confer additional development rights to specific properties. As such the changes are outside the scope for a Strategic Bush Fire Study as detailed in Table 4.2.1 of <i>Planning for Bush Fire Protection 2019</i>.



No.	Question	Considerations
		<ul style="list-style-type: none"> Additional dwelling types are comparable with uses currently permitted in the R2 and R3 residential zones. Expanding the diversity of permissible dwelling types does not automatically confer rights for additional dwellings on bushfire-prone land. Bushfire risk will continue to be considered for all forms of development at the development application stage in accordance with <i>Planning for Bushfire Protection 2019</i> and other relevant LEP and DCP provisions. Consultation occurred with NSW Rural Fire Service and no issues were raised. <p>4.4 Remediation of Contaminated Land</p> <ul style="list-style-type: none"> Some R2 and R3 zone land in Lake Macquarie is also known to be contaminated or potentially contaminated. The planning proposal is consistent with this Direction because it does not propose to rezone any contaminated or potentially contaminated land. Contamination issues will continue to be considered at the development application stage for any development proposed on a contaminated or potentially contaminated site. <p>4.5 Acid Sulfate Soils</p> <ul style="list-style-type: none"> Some R2 and R3 zoned land in Lake Macquarie is identified as having a probability of containing acid sulfate soils. The planning proposal is consistent with this Direction because it does not propose to rezone any specific land or increase development standards that results in an intensification of land use. <p>4.6 Mine Subsidence and Unstable Land</p> <ul style="list-style-type: none"> Some R2 and R3 zone land in Lake Macquarie is within a declared mine subsidence district. The planning proposal is consistent with this Direction because it proposes to diversify the types of dwellings permitted on land where development for residential purposes is already permitted. Mine subsidence issues will continue to be considered at the development application stage. Consultation occurred with Subsidence Advisory NSW and no issues were raised.



No.	Question	Considerations
5.1 Integrating Land Use and Transport		
<ul style="list-style-type: none"> The planning proposal is consistent with this Direction because it will enable more efficient use of existing zoned land and support the use of active transport infrastructure and the viability of public transport services. 		
5.2 Reserving Land for Public Purposes		
<ul style="list-style-type: none"> The planning proposal is consistent with this Direction because it does not affect existing zonings or reservations of land for public purposes. 		
5.5 High pressure dangerous goods pipelines		
<ul style="list-style-type: none"> Some R2 and R3 zoned land is in the application area of relevant pipelines. The inconsistency is of minor significance as the land is already zoned for residential purposes and there is only a small potential intensification. Additionally, State Environmental Planning Policy (Transport and Infrastructure) 2021 includes controls to consider safety risks associated with development adjacent to pipeline corridors. 		
6.1 Residential Zones		
<ul style="list-style-type: none"> The planning proposal is consistent with this Direction because it will broaden the types of residential dwellings permissible across the Lake Macquarie local government area and make more efficient use of existing infrastructure and services. Enabling greater diversity of infill housing in existing zoned areas reduces the needs for rezoning land on the urban fringe. 		
6.2 Caravan Parks and Manufactured Home Estates		
<ul style="list-style-type: none"> The planning proposal is consistent with this Direction because it does not propose any changes to zoning of existing caravan parks or the permissibility of new caravan parks. 		
Section C – environmental, social and economic impact		
8 Is there any likelihood that critical habitat or threatened	The planning proposal applies to residential zoned land and will not increase risk to critical habitat or threatened species, populations or ecological communities, or their habitats.	



No.	Question	Considerations
	species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	
9	Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	The planning proposal will support infill development within existing urban land, reducing pressure to accommodate housing and population growth on land with high conservation value.
10	Has the planning proposal adequately addressed any social and economic effects?	<p>The purpose of the planning proposal is to generate social and economic improvements by increasing housing diversity and affordability consistent with the outcomes of the Lake Macquarie Housing Strategy. The Strategy projects that an additional 6,800 one- and two-bedroom dwellings are required by 2036 to accommodate projected growth and demographic changes. The planning proposal will encourage more affordable infill residential development in Lake Macquarie that will also assist in avoiding urban sprawl into more environmentally sensitive areas or agricultural land.</p> <p>The planning proposal will improve the viability of infill housing, by enabling more flexibility of housing development options. The planning proposal will support the supply of diverse housing, to meet needs of growing population, ageing population, and smaller households.</p> <p>Medium density dwellings are typically 25 per cent cheaper than detached houses. Facilitating smaller households will also reduce living and energy costs associated with maintaining a smaller property.</p>
Section D – Infrastructure (Local, State and Commonwealth)		
11	Is there adequate public infrastructure for the planning proposal?	The planning proposal will support infill development and enable the more efficient use of existing infrastructure and improve the viability of public transport services.
Section E – State and Commonwealth interests		
12	What are the views of state and	NSW Rural Fire Service



No.	Question	Considerations
	<p>federal authorities and government agencies consulted in order to inform the Gateway determination?</p>	<p>The understood approach of creating additional housing diversity in areas zoned R2 Low Density Residential and R3 Medium Density Residential Zones when compared with zoning types such as RU2 Rural Landscape, C3 Environmental Management and C4 Environmental Living zones which are more likely to be in proximity to higher risk bushfire hazards is supported.</p> <p>Future development within the R2 Low Density Residential and R3 Medium Density Residential zones, including subdivision or residential infill development, will still require assessment under the relevant sections of Planning for Bush Fire Protection 2019 where they intersect the Bush Fire Prone Land Mapping and where considered appropriate by Council as part of assessment of development applications.</p> <p>Subsidence Advisory NSW</p> <p>There are varying subsidence risks associated with Lake Macquarie City’s residential zones. As the proposal is not site specific no detailed requirements can be provided at this stage.</p> <p>Where development is located within a declared Mine Subsidence District future development will require approval from Subsidence Advisory NSW. Please note Mine Subsidence Districts may change over time.</p> <p>Hunter Water</p> <p>Hunter water had no objection to the planning proposal. Hunter Water will assess and advise on the water and sewer servicing requirements via the Section 50 application for individual development applications.</p>



Part 4 – Mapping

N/A

Part 5 – Community Consultation

The planning proposal was exhibited from 16 September to 14 October 2024 in accordance with the Gateway Determination. The planning proposal was exhibited on Council's Shape Lake Mac webpage and advertised via a media release and Council's e-newsletters. The Shape Lake Mac page received 1779 project pageviews and reached 3382 through Council's e-newsletters.

Council received a total of 20 submissions including 13 supporting the planning proposal. A summary of submissions and a response is provided in Attachment 2 of the Council report.

Submissions raised the benefits of the proposal, being increased development options for smaller developers, greater housing diversity and enhanced opportunities for intergenerational living. Submissions also requested Council consider further options to improve housing affordability and to consider the need for supporting infrastructure. Some submissions were concerned the planning proposal will not effectively reduce housing prices.

Some changes were made to the planning proposal in response to submissions.

Part 6 – Project Timeline

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



Attachment 1: Assessment of Hunter Regional Plan 2041 Strategies

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

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

No relevant PP matters

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

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:	Compliance
business premises	N/A
restaurants or cafes	N/A
take-away food and drink premises	N/A
neighbourhood shops and supermarkets	N/A
educational establishments	N/A
early education and care facilities	N/A
health services facilities	N/A



markets	N/A
community facilities	N/A
recreation areas	N/A

Strategy 3.2 Planning proposals will incorporate:

<ul style="list-style-type: none"> a small neighbourhood centre if the proposed residential yield exceeds 1,500 dwellings or a large neighbourhood centre if the proposed residential yield exceeds 4,000 dwellings. 	N/A
The neighbourhood centre will:	N/A
<ul style="list-style-type: none"> support a floor area informed by a local retail demand analysis have enough developable area to accommodate the uses over one level with at grade parking to reduce costs be located to maximise its convenience for the vast majority of residents of which it serves be located in a high profile location (i.e. main arterial road or precinct with strong pedestrian traffic) be supported by a walkable catchment and pedestrian friendly environment. 	N/A

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"> 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; 	N/A
<ul style="list-style-type: none"> maximise opportunities to increase capacity to manage freight through the ports/airports and provide access to new markets; and protect ports and airports via assessment of the impacts of development on the port/airport to avoid land limiting their future growth. 	N/A
Strategy 4.11 Planning proposals must not undermine the long-term capacity of inter-regional connections to meet future freight and logistics movements.	Yes
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.	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	Yes
boarding houses	Yes
dual occupancies	Yes
group homes	Yes
multi dwelling housing	Yes
secondary dwellings	Yes
semi-detached dwellings.	Yes

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.	Yes
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.	Yes

]

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
---	-----



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

	Compliance
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.	N/A
Strategy 8.6 Planning proposals to facilitate tourism activities will:	
• demonstrate that the scale and type of tourism land use proposed can be supported by the transport network and complements the landscape setting	N/A
• be compatible with the characteristics of the site and existing and likely future land uses in the vicinity of the site	N/A
• demonstrate that the tourism land use would support the function of nearby tourism gateways or nodes	N/A
• 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.	N/A

OBJECTIVE 9: Sustain and balance productive rural landscapes

	Compliance
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.	N/A
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.	N/A
Strategy 9.4 Planning proposals for lands within or near critical industry cluster land will demonstrate they are	
• compatible with equine and viticultural activities and:	N/A
• complements scenic values, visual amenity and local character	N/A
• provides suitable separation distances for sensitive uses, like tourist accommodation, having regard to spray, noise, and lighting considerations	N/A
• considers existing and likely future agricultural and rural uses of adjoining lands and the cumulative impact of similar proposals on the locality.	N/A

Summary of submissions received for the Housing Diversity Planning Proposal

Council received a total of 20 submissions. A summary of the issues raised in these submissions and a response is provided below.

Theme	Number of submissions	Council response
<p>Support</p> <p>General support for the objectives of the planning proposal.</p> <p>Submissions supportive of infill approach and more flexibility regarding housing permissibility and raised benefits of intergenerational housing solutions and cost of living concerns.</p>	13	<p>Noted.</p> <p>Outcome: No change to the planning proposal.</p>
<p>Traffic and public transport</p> <p>Any new housing development should address traffic, particularly at Speers Point/Five Islands and Teralba, and Morisset. Most people prefer to use private vehicles due to inefficiency of public transport.</p>	3	<p>The aim of the planning proposal is to provide infill housing close to existing transport routes, services and facilities. Increased housing density will also support public transport improvements.</p> <p>Traffic and transport impacts will be considered and assessed as part of any future development application.</p> <p>Outcome: No change to the planning proposal.</p>
<p>Infrastructure</p> <p>Infrastructure is needed to support new housing.</p>	2	<p>Housing in existing urban areas (infill housing) aims to make better use of existing infrastructure. Where new development is approved, contributions are levied in accordance with the relevant Development Contributions Plan to help fund infrastructure works in those areas.</p> <p>Hunter Water advised water and sewer servicing requirements will be assessed as part of future development applications.</p> <p>Outcome: No change to the planning proposal.</p>
<p>Sustainable and quality building design should be considered for residential development</p> <p>Development should consider water sensitive urban design, ground water, passive cooling and urban heat, as well as social cohesion.</p>	2	<p>New development must comply with BASIX (Building Sustainability Index) which regulates minimum standards for building design including sustainable design measures.</p> <p>Quality design is important and supported by Council. The <i>Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)</i> and Lake Macquarie Development Control Plan 2014 (LMDCP 2014) set minimum standards for development to ensure quality designs. Development design is considered through the development application process.</p> <p>The planning proposal does not propose changes to building heights.</p>

		<p>Development is assessed in accordance with the LMDCP 2014 which includes controls relating to safety and privacy.</p> <p>The NSW Government’s apartment design guidelines provide consistent planning and design standards for apartments across the state, and includes principles regarding amenity, safety and social interaction.</p> <p>The planning proposal does not change existing provisions related to building design.</p> <p>Outcome: No change to the planning proposal.</p>
<p>The changes should align with the permissibility and increased building heights as proposed by the NSW low- and mid-rise reforms</p>	<p>2</p>	<p>The NSW low- and mid-rise housing reforms are proposed to apply to land within an 800m radius of certain town centres and train stations. The reforms aims to permit:</p> <ul style="list-style-type: none"> • multi-dwelling housing in zones R1, R2 and R3 • low rise apartments in zones R1 and R2 • mid-rise apartment buildings (up to 6-storeys) in zones R3 and R4. <p>The planning proposal aligns with the proposed land uses in the NSW Low- and Mid-Rise Housing Policy in terms of broadening permissibility of multi-dwelling housing and residential flat buildings (apartments) in the R2 Low Density Residential zone.</p> <p>The main difference between this planning proposal and the low- and mid-rise housing reforms is this planning proposal applies to all land zoned R2 Low Density Residential and R3 Medium Density Residential. Whereas the NSW low- and mid-rise policy only applies to certain land within an 800m radius of certain town centres and train stations. Additionally, this planning proposal does not propose any changes to building heights.</p> <p>The provisions in the planning proposal will complement the provisions in the NSW low- and mid-rise housing reforms.</p> <p>Outcome: No change to the planning proposal.</p>
<p>Incentives for urban infill and affordable housing</p> <p>Council should incentivise infill and affordable housing and alternative housing options such as mixed use zoning, co-housing, tiny housing and floating homes and consider ways to address unoccupied homes.</p>	<p>2</p>	<p>The planning proposal aims to enable more flexibility for housing types which will provide additional options for infill development, while enabling different housing types more suitable to the city’s changing demographic needs. This will enable a broader mix of housing in residential zones. The planning proposal is consistent with the Lake Macquarie Housing Strategy, Local Strategic Planning Statement and Hunter Regional Plan.</p> <p>The proposal does not include specific provisions for social and affordable housing, which would require a separate investigation and assessment process.</p> <p>Council encourages the provision of affordable housing and introduced discounts on development contributions in 2022 as a way to incentivise this form of housing. Council</p>

		<p>staff are also investigating a range of other options to support affordable housing in the city that will be part of future reports to Council.</p> <p>The State Government is predominantly responsible for delivering social housing in NSW and there are different planning controls and considerations that apply to this form of housing.</p> <p>There is nothing in this proposal that would prohibit or restrict social and affordable housing. The planning proposal is broader in scope and aims to diversify housing types which can help to improve affordability.</p> <p>The planning proposal does not address unoccupied homes. The <i>LMLEP 2014</i> regulates approvals for new development. There is not a mechanism within the <i>Environmental Planning and Assessment Act 1979</i> or the <i>Lake Macquarie Local Environmental Plan 2014</i> to regulate unoccupied homes or vacant land.</p> <p>The NSW Housing State Environmental Planning Policy provides permissibility and development standards for co-living housing.</p> <p>Outcome: No change to the planning proposal.</p>
<p>Request to enable subdivision prior to construction of a dual occupancy</p> <p>Submission considers this will enable more flexibility for dual occupancy development by allowing the subdivision of land to finance construction of a dual occupancy.</p> <p>This submission identified that small developers may have issues financing the construction of the dual occupancy/second dwelling prior to subdivision.</p>	1	<p>Currently, clause 4.1A enables the subdivision of small lots (250m²) with the erection of a dual occupancy. This means the dual occupancy (two dwellings on one lot) has to be constructed before the land can be subdivided into two lots.</p> <p>The planning proposal enables subdivision prior to construction of a dual occupancy, provided the consent authority is satisfied the lot can accommodate a dwelling. This will enable more flexibility for staging of infill dual occupancy development.</p> <p>Outcome: Clarification of wording in the planning proposal to clearly state subdivision can occur provided Council is satisfied a dwelling can be appropriately located on the subdivided lot.</p>
<p>Request for dual occupancy policy to communicate process of dual occupancy development and encourage prefabricated housing</p>	1	<p>The LMDCP 2014 already contains a chapter with guidance for dual occupancy development.</p> <p>Prefabricated housing (manufactured housing) is permitted with consent in all residential zones in the <i>LMLEP 2014</i>.</p> <p>Council provides a duty planning service to support customer service enquiries relating to different types of development such as dual occupancies and prefabricated housing.</p> <p>Outcome: No change to the planning proposal.</p>

<p>Restricting short term rental accommodation</p> <p>Concern about the proposal encouraging short term rental accommodation and request for proposal to restrict new homes from becoming short term rentals.</p>	1	<p>Short term rental accommodation is regulated by the NSW Government. The <i>State Environmental Planning Policy (Housing) 2021</i> prescribed permissibility. Short term rental accommodation can be undertaken in most dwellings as exempt development. This means no formal approval is needed provided the use as short term rental accommodation complies with the requirements of the legislation.</p> <p>The planning proposal does not propose any changes to short term rental accommodation.</p> <p>Outcome: No change to the planning proposal.</p>
<p>Adverse impacts on heritage conservation areas</p> <p>Residential flat buildings and multi-dwelling housing is not appropriate in heritage conservation areas such as Teralba, West Wallsend and Catherine Hill Bay. Request to strengthen <i>LMLEP 2014</i> clause 5.10 to protect heritage significance and amendment to Development Control Plan 2014 (LMDCP 2014) controls in heritage conservation areas to consider these housing types. Concerns about the impacts on the state listed heritage conservation area of Catherine Hill Bay.</p>	1	<p>The planning proposal applies to residential zones broadly across the LGA. This means it will apply to residential zoned land in heritage conservation areas.</p> <p>The <i>LMLEP 2014</i> includes provisions to ensure heritage matters are addressed for development applications in Heritage Conservation Areas.</p> <p>Clause 7.25 of the <i>LMLEP 2014</i> includes provisions for development on land in Catherine Hill Bay Village Precinct and Middle Camp Village Precinct, including additional considerations for development for the purpose of dual occupancies, secondary dwellings or semi-detached dwellings. As the planning proposal will introduce new land uses into the R2 Low Density residential zone, clause 7.25 should be amended to include multi-dwelling housing, attached housing and residential flat buildings.</p> <p>Outcome: The planning proposal has been updated to include multi-dwelling housing, attached housing and residential flat buildings in clause 7.25 Development in the Heritage Precincts at Catherine Hill Bay.</p>
<p>Planning proposal will not improve housing supply</p> <p>The planning proposal does not resolve supply issues associated with speculative development proposals, land banking, building costs, labour shortages and finance approval difficulties.</p>	1	<p>Council staff acknowledge broader market factors and economic policy influencing housing supply and affordability which are outside Council's control.</p> <p>The planning proposal aims to enable more flexibility for housing types which will provide additional options for infill development, while supporting housing types more suitable to the city's changing demographic needs. It is considered that the planning proposal will have a positive impact on housing supply in the city.</p> <p>Outcome: No change to the planning proposal.</p>
<p>Clarification of provisions</p> <p>Clarification of the meaning of road frontage to ensure it does not enable small-lot battle axe subdivisions for three or more lots.</p>	1	<p>Clause 4.1A "Exceptions to minimum subdivision lot size for certain residential development" requires small lots to have road frontage where three or more lots are created.</p> <p>The definition of "road frontage" has been interpreted in different ways, resulting in some applicants interpreting a battle axe handle (driveway) as road frontage.</p>

		<p>The planning proposal intends to clarify that road frontage does not include battle axe handles (driveways), to ensure that lots resulting from small lot torrens title subdivision all front a public road. Battle axe handles are not supported as road frontage for the purpose of this clause to ensure efficient vehicle access, servicing and utilities and amenity of lots.</p> <p>Outcome: Additional clarification added to the planning proposal regarding the intent of this amendment.</p>
<p>The planning proposal will encourage more expensive, smaller housing</p> <p>Submission raised concern the proposal will increase the cost per square metre of housing as small units are only feasible if priced high.</p>	1	<p>Council staff acknowledge broader market factors and economic policy influencing the cost of housing which are outside Council's control.</p> <p>The planning proposal aims to enable more flexibility for housing types which will provide additional options for infill development, while enabling housing types more suitable to the city's changing demographic needs. It is considered that the planning proposal will have a positive impact on housing supply in the city and that generally a smaller home is less expensive than a larger home in a similar location.</p> <p>Outcome: No change to the planning proposal.</p>
<p>Buttaba Hills paper subdivision should be prioritised for housing</p>	1	<p>The planning proposal aims to provide more flexibility for housing types which will enable additional options for infill development, while supporting housing types more suitable to the city's changing demographic needs. It applies broadly to all residential zoned land.</p> <p>Some land in Buttaba Hills paper subdivision is zoned R2 Low Density Residential. Utility infrastructure and roads need to be provided by the landowner before residential development can occur in the Buttaba Hills paper subdivision. Any development in this area will be assessed in accordance with the <i>LMLEP 2014 and LMDCP 2014</i>.</p> <p>Outcome: No change to the planning proposal.</p>
<p>Concern about Council approving development under clause 4.6 of <i>LMLEP 2014</i> that will enable developments higher than the maximum building height in the R2 Low Density Residential zone</p>	1	<p>Clause 4.6 of <i>LMLEP 2014</i> allows variations to development standards such as maximum building heights in order to achieve appropriate development outcomes by allowing some flexibility in particular circumstances. Applications for a 4.6 variation need to demonstrate sufficient environmental planning grounds to justify the contravention of the development standard. Development applications seeking a greater than 10 per cent variation are required to be determined by the elected Council.</p> <p>Development applications in the R2 Low Density zone are assessed against the low-density objectives of the zone. The zone objectives are a key consideration for any clause 4.6 variation request.</p> <p>Additionally, the LMDCP 2014 includes controls to consider overshadowing, open space and privacy impacts to the streetscape and neighbouring properties.</p>

		Outcome: No change to the planning proposal.
Suggestion to include a reduction in minimum lot width to make development easier	1	<p>Lot width requirements were recently reviewed and consequently reduced as part of an amendment to the <i>LMLEP 2014</i> and <i>LMDCP 2014</i> to facilitate infill housing (Council resolution: 24SP017). The amendments were based on recommendations of the Lake Macquarie Housing Study.</p> <p>Outcome: No change to the planning proposal.</p>
Height Building heights should be sympathetic to local character.	1	<p>The planning proposal does not propose changes to the maximum building heights prescribed in the <i>LMLEP 2014</i>. The maximum building height will remain at 8.5m (2 storeys) for land zoned R2 Low Density Residential and between 10m and 13m (3 and 4 storeys) for land zoned R3 Medium Density Residential.</p> <p>Outcome: No change to the planning proposal.</p>
Open Space Green space, urban forests and community gardens are needed to support future infill development.	1	<p>The focus on infill development compared to development on the urban fringe facilitates better use of serviced and generally cleared land and reduces pressure to clear vegetation in non-urban areas. Currently, the predominant dwelling type across the LGA is single detached dwellings including in land already zoned R3 Medium Density Residential. It is acknowledged that in these areas building footprint is likely to increase beyond a single dwelling. However, the <i>LMDCP 2014</i> provides controls to ensure that appropriate private open space and landscaping is included on the development lot.</p> <p>Additionally, Council has adopted strategies related to urban greening. Council also has strategies for parks and playgrounds which provides a long-term vision and framework for the provision of green space, parks and playgrounds in Lake Macquarie. Council's development contributions plans levy development to fund upgrades and new parks, playgrounds, sports fields and other community facilities to support development and population growth.</p> <p>Outcome: No change to the planning proposal.</p>
Request to rezone certain land at Ada Street, Cardiff from R2 to R3	1	<p>The planning proposal does not include provisions to rezone specific properties, which would require a separate application and investigations into the suitability of any proposed changes to land use zones.</p> <p>The planning proposal applies to all R2 Low Density Residential zoned land. As such, subject to appropriate development assessment, it will enable additional options for residential development including multi-dwelling housing, attached housing and residential flat buildings on the subject land in Cardiff.</p> <p>Outcome: No change to the planning proposal.</p>

Housing policy needs to include all forms of housing including infill and greenfield	1	<p>Council's Local Strategic Planning Statement and Housing Strategy cover both infill and greenfield housing.</p> <p>The focus of this planning proposal is on increasing the diversity of housing types in existing residential areas connected to infrastructure which is a key implementation action from the Lake Macquarie Housing Strategy.</p> <p>The planning proposal is also consistent with the Lake Macquarie Local Strategic Planning Statement and Hunter Regional Plan. Both plans emphasise the need for infill housing connected to public transport and services.</p> <p>Outcome: No change to the planning proposal.</p>
The planning proposal should clarify that the proposed uses will be permitted with consent as any approval will require assessment against the controls in the LMLEP 2014 and LMDCP 2014	1	<p>Noted. This is a foundational aspect of the <i>Environmental Planning and Assessment Act 1979</i> and the <i>LMLEP 2014</i> which outline what types of development require consent. The planning proposal does not change the types of development that can be undertaken without consent.</p> <p>Outcome: The planning proposal has been updated to specify the proposed additional land uses will be permitted with consent which require assessment against the provision of the <i>LMLEP 2014</i> and <i>LMDCP 2014</i>.</p>
The priority for medium to high density housing should be in well-located areas with access to shops, transport, supermarkets and health and services	1	<p>The planning proposal aims to enable more flexibility for housing types which will provide additional options for infill development, while supporting housing types more suitable to the city's changing demographic needs.</p> <p>The planning proposal is consistent with the Lake Macquarie Local Strategic Planning Statement and Hunter Regional Plan. Both plans emphasise the need for infill housing connected to existing public transport, shops and services. The planning proposal applies to R2 Low Density Residential zoned land and R3 Medium Density zoned land which is generally connected to existing shops, transport and services. R3 Medium Density zoned land close to strategic and local centres allows for taller buildings which enables high density development to occur.</p> <p>Outcome: No change to the planning proposal.</p>
Request for Cardiff to be included in the Transport Oriented Development (TOD) SEPP	1	<p>Cardiff is included in the NSW Government's TOD SEPP.</p> <p>The TOD SEPP applies to 37 train station precincts across NSW, including Morisset, Teralba, Cardiff and Cockle Creek train stations in Lake Macquarie. The TOD SEPP permits residential flat buildings up to six storeys in residential zones within 400m of identified train station.</p> <p>Outcome: No change to the planning proposal.</p>

<p>Public private partnerships</p> <p>Funding and provision of housing and supporting infrastructure will require collaboration from all levels of government and community organisations.</p>	1	<p>The planning proposal aims to enable more flexibility for housing types which will provide additional options for infill development, while supporting housing types more suitable to the city's changing demographic needs.</p> <p>The planning proposal is supported by consultation with NSW Rural Fire Service, Subsidence Advisory NSW, the Department of Planning, Housing and Infrastructure, and Hunter Water.</p> <p>The Hunter Regional Plan outlines a coordinated approach to providing housing and supporting infrastructure. Council staff continue to advocate for funding for State and Federal infrastructure to support development and population growth.</p> <p>Outcome: No change to the planning proposal.</p>
---	---	--