

Planning and Assessment

IRF19/7474

Gateway determination report

LGA	Lake Macquarie
PPA	Lake Macquarie City Council
NAME	Pasminco Business Zones
NUMBER	PP_2019_LAKEM_006_00
LEP TO BE AMENDED	Lake Macquarie LEP 2014
ADDRESS	2A Main Road, Boolaroo
DESCRIPTION	Part of Lot 599 DP 1228699
RECEIVED	1 October 2019
FILE NO.	IRF19/7474
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend the Lake Macquarie Local Environmental Plan 2014 (LEP) to introduce additional business zones at a site in Boolaroo. The proposal aims to enable specialised retail premises and other commercial uses requiring large floorplates by creating a new business park as well as providing a mixed use transition zone between the proposed business park and adjoining residential areas on the southern boundary.

The proposal indicates that the proposed rezoning would provide for approximately 1,000-1,500 jobs and would potentially enable the development of the site for larger floorplate retail uses such as Costco and Ikea which would anchor the business park.

1.2 Site description

The site is part of Lot 599 DP 1228699 located at 2A Main Road, Boolaroo as shown in Figure 1. The site is approximately 20 ha and is vacant.

The site is part of the former Pasminco Cockle Creek Lead Smelter which closed in 2003. The site has been through an extensive approval and remediation process to remove contaminants on the land resulting from its former industrial use. The site is now suitable for urban development and the contaminated soil has been stored in an approved contamination cell which adjoins the site.

The site is located on Main Road and Munibung Road, which provides access to the regional road network including TC Frith Ave and Lake Road. Cockle Creek train station is located approximately 300m to the west of the site.

The site was rezoned in 2010 and 2011 for a mix of residential, industrial and commercial uses as well as a special activities zone for the containment cell, located to the north of the subject site.



Figure 1: Site location

1.3 Existing planning controls

The majority the site is zoned for residential purposes, with almost half of the site zoned R3 Medium Density Residential and the area to the south zoned R2 Low Density Residential (Figure 2). The remainder of the site to the north-east (approximately 20 percent) is zoned B4 Mixed Use which permits business and residential uses.

The site has a minimum lot size of 450m² and 9000m² (Figure 3). The height of building controls for the site are 8.5m for the R2 zoned land, 10m for the R3 zoned land and 13m for the B4 zoned land.

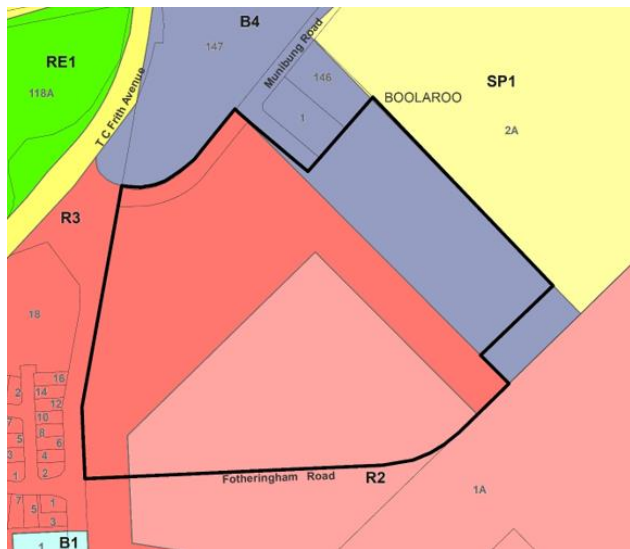


Figure 2: Existing zoning



Figure 3: Existing lot size

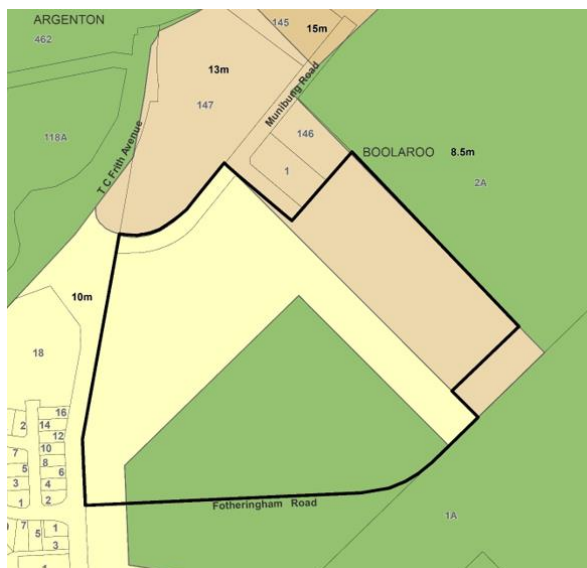


Figure 4: Existing height of building controls

1.4 Surrounding area

The site is in the suburb of Boolaroo, approximately 19km south-west of Newcastle CBD, with Speers Point located further south.

The area immediately surrounding the site is mostly vacant (Figure 1), with Bunnings Warehouse and industrial development to the north and residential areas on the eastern side of Main Road. The containment cell for the contaminated soil during the remediation process is located directly to the north of the site.

The site is approximately 1km to the local centre of Boolaroo and 2.5km to the strategic centre at Glendale Shopping Centre. The site is well located and accessible to much of the Hunter Region via the road and public transport network. In addition, Figure 10 (further in this report) identifies the location of nearby major retail and bulky goods centres.

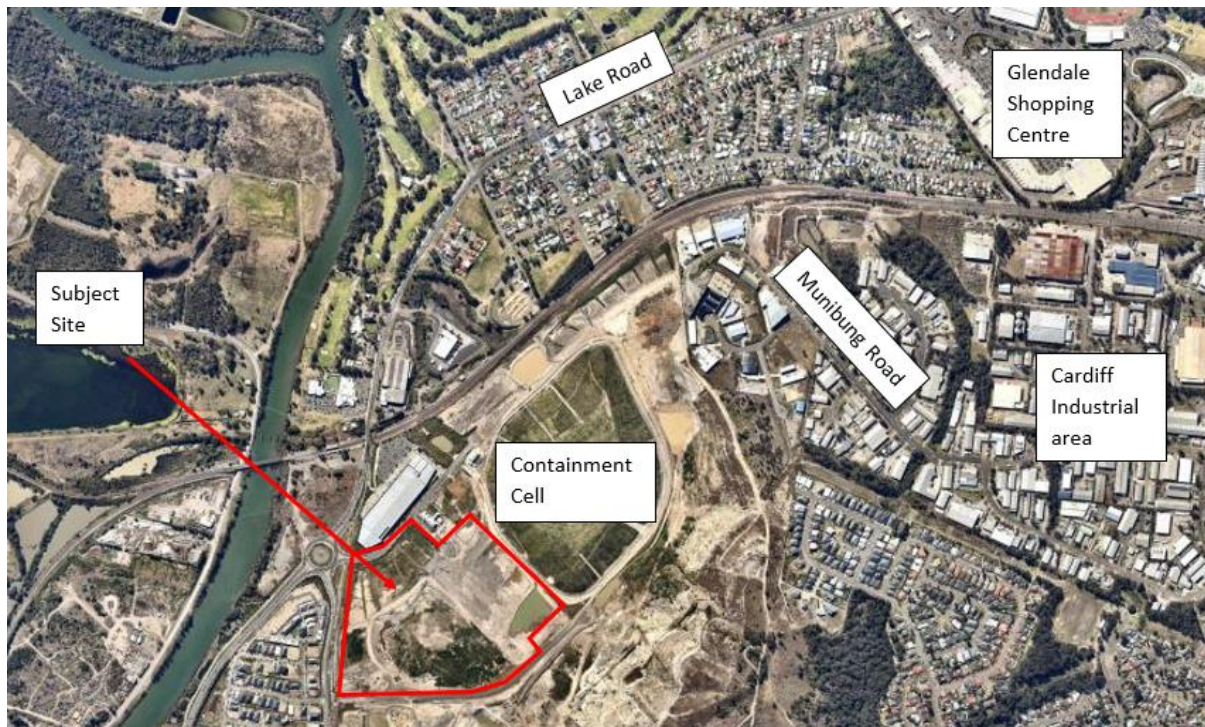


Figure 5: Regional context

1.5 Summary of recommendation

It is recommended that the planning proposal proceed subject to conditions.

The proposal is broadly consistent with the *Hunter Regional Plan 2036* and *Greater Newcastle Metropolitan Plan*, however there is one aspect of prima facie inconsistency, namely that it would allow retail outside of a centre. However in assessing that partial inconsistency, it is recognised that the site is located in the North West Lake Macquarie Catalyst Area and is consistent with the objectives for the catalyst area including providing for large format retail, advanced manufacturing and office-based jobs with a regionally significant catchment. The site is strategically located within the Hunter region to service a large catchment area and is accessible to the regional road network and public transport.

The proposal responds to changing retail trends and needs and will provide an opportunity for two international retailers that are currently not represented in the Hunter and Central Coast regions to locate in the Catalyst Area. The proposal will provide for significant employment opportunities for the region and will support the surrounding growth areas in Newcastle and Lake Macquarie LGAs. It is also recognised that that business park zoned land in the Lake Macquarie LGA is either fully developed or has development is underway and there is a need for additional business park zoned land.

2. PROPOSAL

2.1 Objectives or intended outcomes

The proposal clearly outlines the objective to rezone vacant residential and business zoned land to business zones and include retail premises as an additional permitted land use specifically for large floor space developments.

2.2 Explanation of provisions

The planning proposal states that the following amendments would be made to the Lake Macquarie LEP 2014:

- rezone the site from R2 Low Density Residential, R3 Medium Density Residential and B4 Mixed Use to B7 Business Park and B4 Mixed Use (Figure 6);
- amend the minimum lot size map from 450m² and 900m² to 1,500m² for the B7 area and no minimum lot size for the B4 area (Figure 7);
- amend the height of building map from 8.5m, 10m and 13m to 15m for the B7 area and 13m for the B4 area (Figure 8);
- include an additional permitted use in the B7 Business Park zone to permit 'retail premises' subject to conditions including (Figure 9):
 - site area is at least 20,000m²;
 - gross floor area is at least 13,000m²; and
 - consent authority is satisfied that the development is to be managed by a single operator.

The explanation of provisions are clear and no changes are required.

In terms of the additional conditions proposed for the additional permitted use for 'retail premises', this approach is consistent with the approach taken in other parts of NSW for Costco developments (i.e. Costco site at Marsden Park in Blacktown LGA). This approach will ensure that the proposed retail uses will be consistent with the zone objectives for the B7 Business Park zone by not undermining the function of existing and future centres.

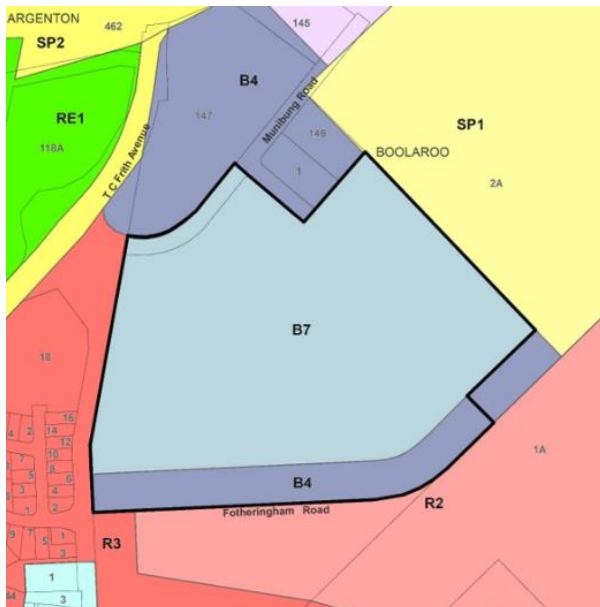


Figure 6: Proposed zoning map

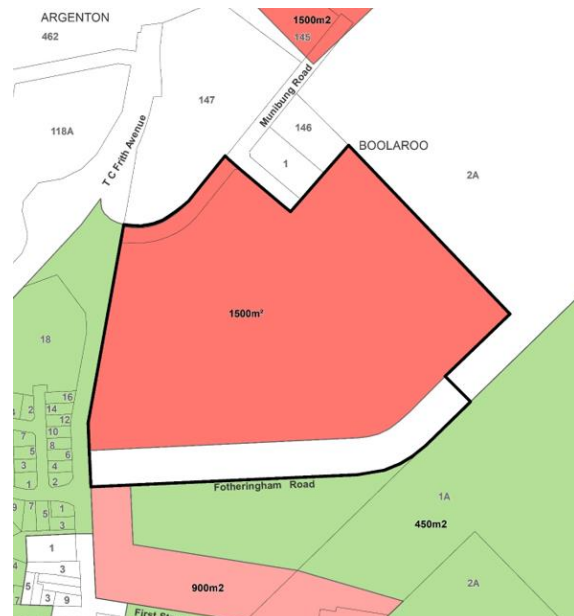


Figure 7: Proposed lot size map

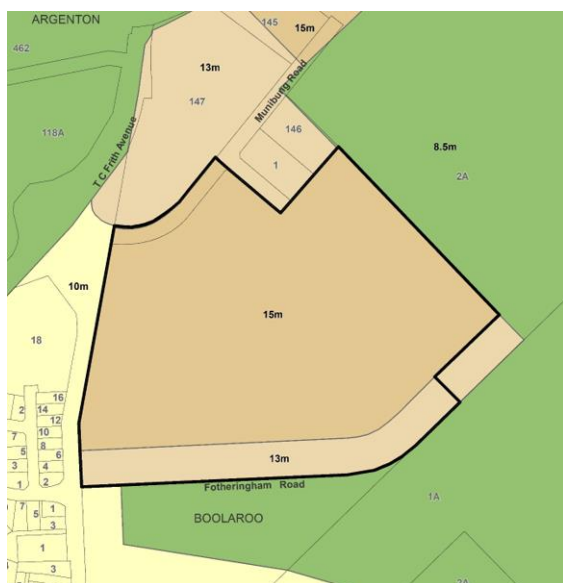


Figure 8: Proposed height of building map

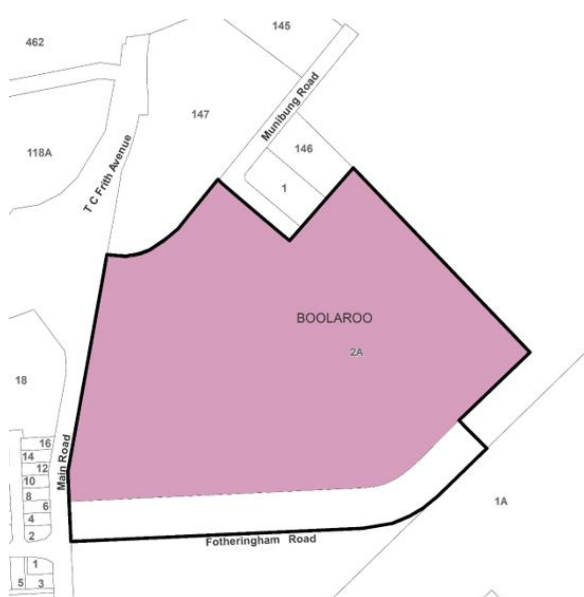


Figure 9: Proposed additional permitted use map

2.3 Mapping

The proposal would require changes to the following LEP maps:

- zoning;
- minimum lot size;
- height of building; and
- additional permitted uses.

The proposed maps are shown as Figures 6 – 9 above and clearly demonstrate how the amendments would occur. No changes are required.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is not the result of a land use planning study or strategy.

As identified, the site forms part of the Pasminco Cockle Creek Smelter Site which was rezoned in two stages in 2010 and 2011 for a mix of residential, industrial and commercial uses as well as a special activities zone for the containment cell.

As identified, the site is located in the North West Lake Macquarie Catalyst Area that identifies objectives for the area including providing for large format retail, advanced manufacturing and office-based jobs with a regionally significant catchment. Since the rezoning, the potential for the site to be rezoned for commercial activities requiring a larger floorplate has been identified.

Council advised that the original 2008 masterplan for the site, indicated that the objective of the site was to reinforce economic opportunities in the area, however the rezoning at the time did not reflect this. The proposal states the it is consistent with early strategic planning studies for the precinct, and that increasing the ratio of commercial to residential uses is consistent with Council's original intention to facilitate employment-generating uses on the site.

The proposal also responds to changing retail trends and is anticipated to facilitate the establishment of international retailers (Costco and Ikea) that are currently not represented in the Hunter and Central Coast regions to locate in the Catalyst Area, an area identified for employment uses. These proposed developments are likely to attract customers from outside the local area and draw a much larger regional catchment, including those customers who would otherwise travel to Sydney. The site is strategically located in the emerging Cardiff-Glendale Strategic Centre and is accessible to the regional road network and public transport.

The proposal provides an analysis of supply and demand of B7 and B5 zoned land demonstrates a need for additional business park zoned land in the Lake Macquarie LGA. Council also advised that the proposed business park zone is generally complementary to traditional town centres and retail centres.

In summary, the proposal is the best means for achieving the intended outcomes as the existing planning controls do not enable the proposed land use outcome.

4. STRATEGIC ASSESSMENT

4.1 State

The strategic context and development of the site is set by the *Lake Macquarie Smelter Site (Perpetual Care of Land) Act 2019*. Section 9 of the Act provides that the owner of the land that is part of the former smelter site is to facilitate the development of the land. The Act also provides details for the ongoing management of the site including the containment cell.

The Act which commenced in October 2019 demonstrates that the development and ongoing management of the site is a NSW Government priority. As such, as the proposal gives effect to the intent of this Act and any minor inconsistencies with the *Hunter Regional Plan 2036* or the *Greater Newcastle Metropolitan Plan* (as discussed below) are considered appropriately justified due to the State and regional significance of developing and managing this site.

4.2 Regional

Hunter Regional Plan

The following directions and actions of the plan are relevant to the planning proposal:

Direction or Action	How the proposal addresses this
<p><i>Direction 21</i> – Create a compact settlement</p> <p><i>Action 21.4</i> - Create a well-planned, functional and compact settlement pattern that responds to settlement planning principles and does not encroach on sensitive land uses, including land subject to hazards, on drinking water catchments or on areas with high environmental values.</p> <p><i>Action 21.7</i> - Promote new housing opportunities in urban areas to</p>	<p>Focusing development in locations with established services and infrastructure increases the appeal of these places and enables the delivery of more affordable housing and better use of infrastructure.</p> <p>The development of the site for commercial uses (i.e. business park) will support an alignment of infrastructure delivery on the area by permitting employment uses on an already remediated and serviced site, that is accessible by road and rail, close to the emerging centre of Cardiff and is located within a Catalyst Area.</p>

<p>maximise the use of existing infrastructure.</p>	<p>Whilst the proposal is potentially inconsistent with Action 21.7 as it rezones residential zoned land, Council has demonstrated that there is sufficient residential land available to accommodate the loss of residential land on this site, approximately 200 dwellings (see <i>9.1 Direction 3.1 discussion</i>) to justify inconsistency.</p> <p>The proposal is consistent with this direction.</p>
<p><i>Direction 23 - Grow centres and corridors</i></p> <p><i>Action 23.1 - Concentrate growth in strategic centres, local centres and urban renewal corridors to support economic and population growth and a mix of uses.</i></p> <p><i>Action 23.5 - Focus commercial and retail development within existing centres and transport hubs and ensure that locations for new centres are integrated with existing or planned residential development; do not undermine existing centres; encompass high quality urban design; and consider transport and access requirements.</i></p>	<p>It is noted that the proposal is prima facie inconsistent with Action 23.5 that requires commercial and retail development to be focused within existing centres.</p> <p>Whilst the proposal would enable large retail development outside of a centre, the site is located within the Catalyst Area which is a strategic precinct recognised by the GNMP and an area identified for change. The proposal is consistent with the objectives of the Catalyst Area and therefore any potential inconsistency can be justified.</p> <p>As previously discussed, the strategic context of the site is also set by <i>Lake Macquarie Smelter Site (Perpetual Care of Land) Act 2019</i> in which the NSW Government makes clear its intent that the subject land be developed, together with the location of the site within a Catalyst Area, the site is considered suitable for the proposed land uses.</p>
<p><i>Direction 24 – Protect the economic functions of employment land</i></p> <p><i>Action 24.1 - Locate new employment land so that it does not conflict with surrounding residential uses.</i></p> <p><i>Action 24.3 - Provide for mixed use opportunities and themed employment precincts in local plans.</i></p>	<p>The proposal seeks to provide for a mix of employment opportunities through the proposed B7 Business Park and B4 Mixed Use zones.</p> <p>The proposal has also considered a suitable interface between the proposed business park and adjoining residential areas by locating the B4 Mixed Use zone on the southern boundary. The proposal is consistent with this direction.</p>
<p><i>Local Narratives -Cardiff-Glendale strategic centre:</i></p> <ul style="list-style-type: none"> Plan for development as an emerging strategic centre that will provide services to the 	<p>The proposal will support employment generating development of the former Pasminco site that leverages the strategic locational advantages of the site.</p>

<p>growing Newcastle – Lake Macquarie, Western Corridor, deliver renewal in Cardiff and redevelop the former industrial lands at Boolaroo.</p> <ul style="list-style-type: none"> • Leverage the existing good access to employment and services in the metropolitan area and commuter connections to the Upper Hunter Valley and Central Coast. 	<p>The proposal is consistent with the local narratives for the Cardiff-Glendale strategic centre.</p>
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Greater Newcastle Metropolitan Plan

The following directions and actions of the plan are relevant to the planning proposal:

Direction or Action	How the proposal addresses this
<p><i>Action 7.1</i> – Greater Newcastle Councils will align local plans to:</p> <ul style="list-style-type: none"> • Build capacity for new economy jobs in areas well serviced by public transport and close to established centres • Ensure an adequate supply of employment land including industrial zoned land, to cater for demand on urban services in accessible locations 	<p>The proposal will support employment generating development of the former Pasminco site that leverages the strategic locational advantages of the site. The proposal is accessible by public transport and well connected to the regional road network.</p> <p>As identified Council has demonstrated that there is a need for additional B7 Business Park zoned land in the LGA (<i>Section 5.3</i>). The proposal is consistent with this action.</p>
<p><i>Action 8</i> – Greater Newcastle Councils will align local plans to enable diversity of uses in larger retail centres including housing, offices and recreation and adapt to changing retail activities</p>	<p>This action highlights the need to address changing retail and consumer demands and the proposal seeks to facilitate non-traditional floorplate retail uses that will have a regional catchment. The proposal is consistent with this action.</p>
<p><i>Action 16.1</i> – Greater Newcastle Councils will focus new housing in existing urban areas, particularly within strategic centres and along urban renewal corridors.</p>	<p>As discussed above, Council has demonstrated that there is sufficient residential land available to accommodate the loss of residential land and the proposed employment uses are consistent with the objectives for the Catalyst Area.</p>
<p><i>North West Lake Macquarie Catalyst Area</i></p> <ul style="list-style-type: none"> • Align local plans to facilitate urban renewal through increased housing density and 	<p>The site is located within this Catalyst Area, and identified within the ‘Munibung Precinct’</p> <p>The proposal is consistent with the outcomes for the Catalyst Area as it proposes large format retail with a regionally significant</p>

mixed use including large formal retail and office use <ul style="list-style-type: none"> • Explore options to improve pedestrian connections to Cockle Creek Train Station with Transport NSW 	catchment across Newcastle and the Central Coast.
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4.3 Local

In addition to the existing zoning provisions, Council has two key local strategies that apply to the site.

Lake Macquarie City Community Strategic Plan (2017-2027)

The proposal aligns with the key value to diversify the economy by providing additional retail and commercial opportunities as well as providing employment to the area.

Imagine Lake Mac Strategy – 2050 and beyond

This strategy was recently adopted to supersede 'Lifestyle 2030' as the relevant planning strategy for the LGA. The proposal aligns with the economic diversification, jobs retention and planning actions of the strategy.

Within the strategy the site is located in the North West Lake Macquarie Catalyst Area (consistent with the GNMP) and is consistent with the outcomes envisaged for this precinct including providing mixed use and employment opportunities in a range of scales and large format retail development. The proposal is consistent with this strategy.

Shaping the future (draft Local Strategic Planning Statement (LSPS))

The draft LSPS currently on exhibition reiterates the guidance provided by Council's planning strategy for the North West Catalyst Area. The LSPS identifies that the Catalyst Area has the opportunity to generate significant jobs given its accessible location, proximity to rail line and access to the arterial road network. It also identified opportunities for providing large format retail, advanced manufacturing, office-based jobs and open space within a regionally significant catchment as a strategic gateway to Greater Newcastle.

As shown in Figure 10 below, the site is located in the North West Growth Area, within the Munibung Precinct with objectives including:

- Mixed use, residential development and other employment opportunities occur in a range of scales;
- Large format retail development in select locations;
- Improved amenity, pedestrian and cyclist access to and around the railway station;
- Munibung Road extension through to Cockle Creek provides improved connectivity with Cardiff Advanced Manufacturing Precinct.

The proposal is considered consistent with the draft LSPS.

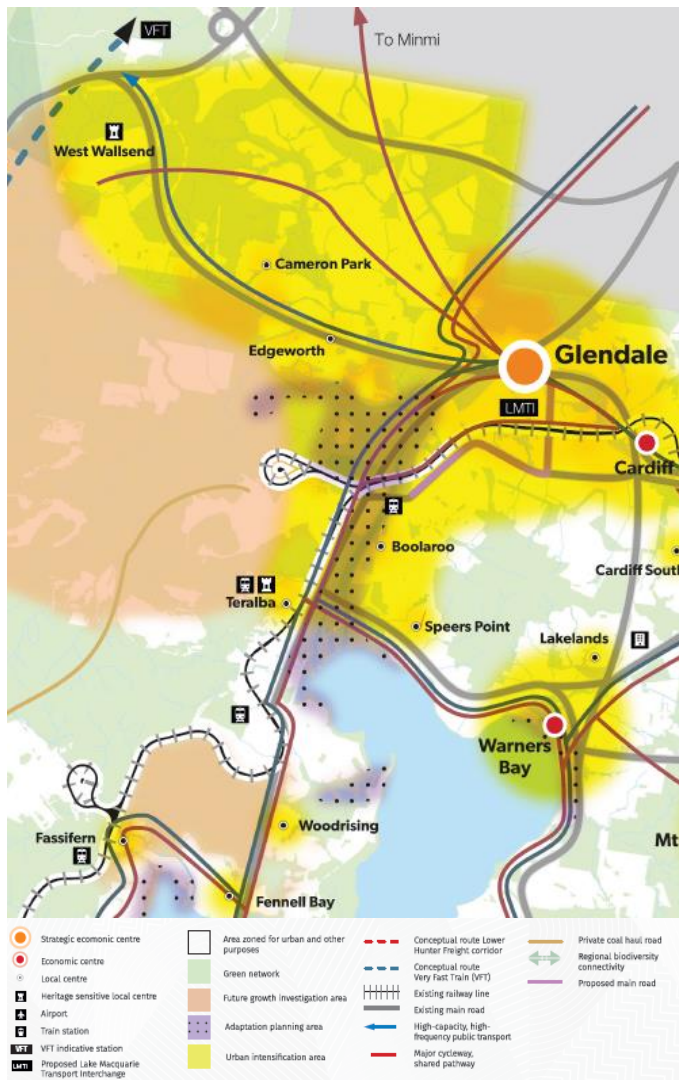


Figure 10: North West Growth Area (draft LSPS)

4.4 Section 9.1 Ministerial Directions

The proposal is consistent with all relevant Section 9.1 Directions, except the following:

1.1 Business and Industrial zones

The proposal has the potential to be inconsistent with objective (1)(c) of this direction 'to support the viability of identified strategic centres'.

Council suggests that the impacts of proposed large format retail stores such as Ikea and Costco stores will be spread across Hunter Region as these stores are not currently located in the region (see Section 5.3). It is also noted that the LEP includes an objective in the B7 Business Park zone to ensure future developments do not undermine the function of existing and proposed centres.

It is noted that the proposal is potentially inconsistent with this direction as the proposal does not demonstrate how this objective will be met. The proposal would enable large format retail outside of a centre, however the site is located in a Catalyst Area, an area identified for both change and employment growth including large format retail. The proposal aligns with the objectives of the Catalyst Area as

well as consistent with Council's local planning strategies and given the size of the site, the significant employment opportunities it could generate and the Government's priority for the site to be developed, it is considered that the inconsistency with this direction is considered minor and can be justified.

3.1 Residential zones

The proposal will rezone 15 ha of residential land to business uses resulting in the potential loss of approximately 200 potential dwellings. Therefore, the proposal is inconsistent with this direction.

Council has advised that the inconsistency with this direction can be justified as there is sufficient alternative residential land available in proximity to the site to accommodate the loss of residential land including:

- 66ha of vacant residential land adjacent to site (approximately 900 dwellings);
- potentially thousands of additional dwellings within a five kilometre radius of the site include sites at Edgeworth, Cameron Park, Teralba and Fennell Bay; and
- potential infill development sites at Warners Bay and Speers Point.

It is noted that the proposed rezoning to a business park and mixed use is consistent with regional and local strategies and therefore this inconsistency is considered minor and can be justified.

3.4 Integrated Land Use and Transport

This direction applies because the additional permitted use creates a provision that applies to business zoned land. The proposal is potentially inconsistent with *The Right Place for Business and Services (2001)* because it would enable retail outside of centre. However as discussed above, this inconsistency is considered minor and can be justified.

4.2 Mine Subsidence and Unstable Land

This direction applies because the site is in a mine subsidence area. The previous rezoning of the site to residential included consultation with Subsidence Advisory NSW, however this proposal includes the potential for large floorplate bulky goods which may have specific issues in the mine subsidence district. Consultation with Subsidence Advisory NSW is required before consistency with the direction can be determined.

5.10 Implementation of Regional Plans

As discussed above, the proposal is consistent with the Hunter Regional Plan and Greater Newcastle Metropolitan Plan.

6.3 Site Specific Provisions

The proposal would impose limitations on the retail premises which is inconsistent with this direction. Council has identified the need to add a site specific provision to enable Costco to locate on the site.

The additional provision relates to part of Costco having a retail component and the proposal includes a provision that excludes typical retail (shops) and only includes retail within a very large building. It does this by enabling retail only where the site is at least 20,000m² and the gross floor area is at least 13,000m². Thus, if Costco does

not eventuate then the site can continue to be used for other bulky goods retail, but not typical retail (e.g. shops or supermarkets). This approach has been used for another Costco site in Sydney.

It is considered that this approach is acceptable and the inconsistency is minor significance and can be justified.

4.5 State environmental planning policies (SEPPs)

SEPP 55 – Remediation of land

The site has a long history of contamination from its former industrial use as a lead smelter. The Department issued approval for the remediation of the site to enable urban uses to occur on the site, including the establishment of an on-site contamination cell.

This site is specifically identified in clause 22 of the SEPP, which requires the Secretary to be satisfied that adequate arrangements are in place for the perpetual care of the containment cell and other lands before consent is given to a development application. The *Lake Macquarie Smelter Site Act 2019* also includes provisions for the management of the containment cell.

Remediation of the land has been ongoing for several years and Council has advised that site audit reports have been issued that confirmed that the site has been remediated to a standard suitable for residential development (existing zoning), which is a higher standard than is required for commercial or industrial use.

The requirement of the SEPP has been met for the rezoning of the land, noting further requirements for development consent to be granted.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

Social impacts from the proposal are likely to be positive because the proposal would provide for the development of a business park providing for specialised retail premises and other commercial uses that require larger floorplates. It also includes a strip of B4 Mixed Use on the southern edge that provides a buffer between the proposed business park and adjoining residential areas addressing any potential amenity issues.

The proposal would create significant employment opportunities for this growing area in the Region. It also has the potential to have a broader regional catchment given some of the potential retailers proposed are not currently represented in the Hunter or Central Coast Region.

In addition, the site is vacant and has been vacant for approximately 15 years, therefore the redevelopment of the site for employment uses is seen as a positive outcome for the area, particularly given its strategic location.

5.2 Environmental

Due to previous remediation activities on the site, the site has been cleared and remediated for residential uses. There are no additional environmental impacts associated with the proposed change in zones and any site specific impacts can be considered at development application stage.

5.3 Economic

The proposal seeks to provide a net increase in 15 ha of employment land in a strategic location within the North West Lake Macquarie Catalyst Area. Council advised that the proposed business park will complement the existing Bunnings Warehouse directly to the north and support the Cardiff-Glendale strategic centre.

The proposed developments such as Costco or Ikea generally cater for a regional catchment, often ranging between 400,000 to 600,000 people and attract a different market to the traditional local supermarkets. Visits to these larger format retail stores are often infrequent due to the range of goods offered, but visited by a large number of customers over a regional catchment area.

Council advised that there is currently 138 ha of B7 Business Park zoned land in the Lake Macquarie LGA, with the majority of this land already developed or with an approved development application. The proposal demonstrates a need for additional business park zoned land to support the growing population in the Newcastle and Lake Macquarie LGAs. The proposal will increase the supply of vacant zoned land by a further 15 ha.

If the Costco and Ikea proposals do not eventuate, then the site will likely become a specialised business park or bulky goods precinct similar to Hillsborough Road and Kotara. The current locations of this type of business park development are located further east (Figure 11), with Hillsborough Road, being the closest (5.5km). Council identified that further investigation of the potential economic impacts would be undertaken following the Gateway determination.

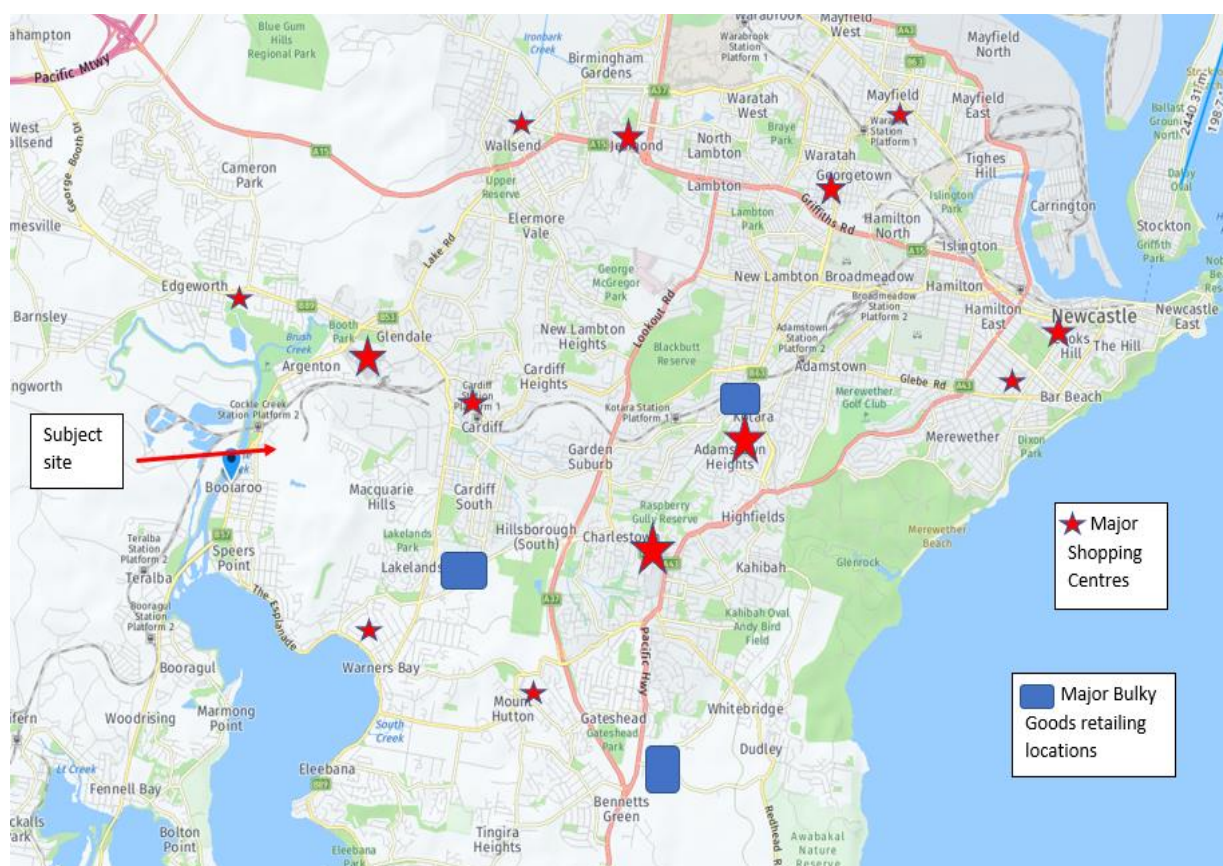


Figure 11: Regional retail context

5.4 Infrastructure

All urban services (water, sewer, energy, telecommunications) are available to the site reflecting the sites existing zoning.

The proposed zoning to larger floorplate retail development would likely lead to a significant increase in traffic volumes compared to the existing zoning. As discussed, large format retail developments are likely to attract a significant number of customers from a large catchment area.

Initial discussions with RMS have identified that a traffic study is required to investigate potential impacts on intersections including TC Frith Ave/Lake Rd/Main Rd/Munibung Rd roundabout from the proposed rezoning. The study should be informed by traffic modelling to ensure that the existing and/or proposed intersections can accommodate the proposed development and appropriate funding mechanisms for the required upgrades are identified. Council is encouraged to consult with RMS regarding the preparation of a traffic study.

6. CONSULTATION

6.1 Community

Council propose to undertake community consultation for a minimum of 14 days. Given the potential significance of this proposal and it is inconsistent with the regional plan, a 28-day consultation period is recommended.

6.2 Agencies

Agency consultation should occur with the following agencies:

- Roads and Maritime Service; and
- Subsidence Advisory NSW.

7. TIME FRAME

Council has suggested a nine-month timeframe. A nine-month time period is relatively short for a complex proposal, however in light of the priority that Council place on this proposal, a nine-month timeframe is recommended.

8. LOCAL PLAN-MAKING AUTHORITY

Council has not requested to be the local plan-making authority. Given that the proposal is consistent with regional and local planning strategies and the proposal is routine, Council should be authorised as the local plan-making authority. It is noted that the Secretary would need to approve any inconsistencies with the related Ministerial directions before Council could make the plan.

9. CONCLUSION

The proposal responds to changing retail trends and needs and will provide an opportunity for two international retailers that are currently not represented in the Hunter and Central Coast regions to locate in the North West Lake Macquarie Catalyst Area. Whilst the proposal would allow retail development outside of a centre it is recognised that the site is located in the Catalyst Area and is consistent with the objectives for the catalyst area including providing for large format retail development with a regionally significant catchment. The site is strategically located within the

Hunter region to service a large catchment area and is accessible to the regional road network and public transport.

The proposal will provide for significant employment opportunities for the region and will support the surrounding growth areas in Newcastle and Lake Macquarie LGAs. It is also recognised that that business park zoned land in the Lake Macquarie LGA is either fully developed or has development is underway and there is a need for additional business park zoned land.

The proposal is also consistent with the *Lake Macquarie Smelter Site (Perpetual Care of Land) Act 2019* and consistent with state, regional and local planning strategies for the area. The social and economic benefits of this proposal are considered to be on balance positive and the site has now been remediated making it suitable for development. The proposal is therefore supported and would increase retail choice in the region as well as providing additional jobs for the region.

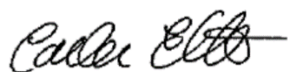
10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.1 Business and Industrial, 3.1 Residential Zones, 3.4 Integrated Land Use and Transport, and 6.3 Site Specific Provisions are minor or justified; and
2. note that the consistency with section 9.1 Directions 4.2 Mine Subsidence and Unstable Land is unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - Roads and Maritime Services
 - Subsidence Advisory NSW
3. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.



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