

Planning and Assessment

IRF22/1952

Gateway determination report

LGA	Cessnock
PPA	Cessnock City Council
NAME	259 & 261 Averys Lane, Buchanan (14 homes, 0 jobs)
NUMBER	PP-2022-1725
LEP TO BE AMENDED	<i>Cessnock Local Environmental Plan 2011</i>
ADDRESS	259 & 261 Averys Lane, Buchanan
DESCRIPTION	Part Lot 10 DP1085485
RECEIVED	13 May 2022
FILE NO.	IRF22/1952
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 Site description

The planning proposal applies to land at 259 and 261 Averys Lane, Buchanan (see Figure 1). The site (around 2.6ha) is in the north west corner a larger lot which is rural in nature and includes scattered remnant vegetation, grasslands. Approximately half the site is affected by flooding.



Figure 1 259 and 261 Averys Lane, Buchanan

1.2 Existing planning controls

The land is zoned RU2 Rural Landscape, C2 Environmental Conservation and SP2 Infrastructure, which is identified as Hunter Expressway. The minimum lot size is 40ha for RU2 Rural Landscape and C2 Environmental Conservation land and no minimum lot size for land zoned SP2 Infrastructure (Figures 2-4).



Figure 2 Land zoning map

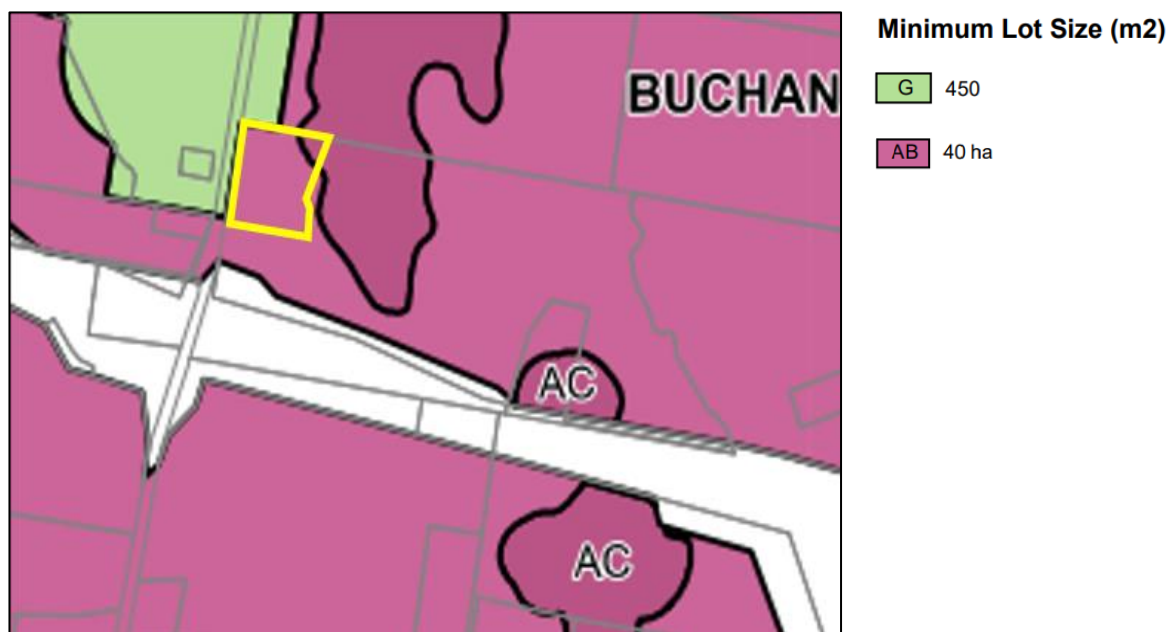


Figure 3 Minimum lot size



Figure 4 Land affected by 1:100-year flood

1.3 Surrounding area

The site adjoins the Hunter Expressway to the south. Land to the east and north is rural land with significant flood affectation. The site is bordered to the west by Averys Lane. Land to the west and north is land zoned R2 Low Density Residential with approval for 170 lots.

2. PROPOSAL

2.1 Description of planning proposal

The planning proposal seeks to rezone 2.6ha of land zoned RU2 Rural Landscape to 1.38ha of R2 Low Density Residential with a minimum lot size of 450m² and 1.22ha to C2 Environmental Conservation retaining the 40ha minimum lot size. An indicative subdivision plan has been included which shows 14 lots on the R2 Low Density Residential land.

Areas no longer required for the Hunter Expressway zoned SP2 Infrastructure and shown on the Land Reservation Acquisition Map will also be amended.

2.1.1 Previous planning proposal for the site

A previous planning proposal (PP_2020_CESSN_007_00) for the same site was issued with a Gateway determination in May 2021 that required the proposal to be resubmitted addressing the following conditions:

- include an updated traffic assessment that reflects the total potential yield for the proposed planning controls and demonstrates potential impact upon the Hunter Expressway;
- include an updated bushfire threat assessment that reflects the total potential yield for the proposed planning controls;
- include an updated biodiversity assessment report that reflects the total potential yield for the proposed planning controls;
- demonstrate consideration of any noise impacts associated with proximity to the Hunter Expressway; and
- demonstrate integration of subdivision and infrastructure servicing with the adjacent urban release area.

Technical studies in support of the planning proposal were based on a proposed two lot subdivision. However, the planning proposal acknowledged the potential yield under proposed planning controls of up to approximately 30 additional lots. There appeared to be inconsistency between the proposed planning controls and the supporting studies.

The planning proposal intended to take advantage of an adjoining urban release area to extend new water and sewer infrastructure to the site. It was unclear if this sites development is part of the servicing strategy for the urban release area and the feasibility of extending services.

The new planning proposal is accompanied by the following technical studies. Table 1 below identifies the additional information provided, study recommendations or advice and a Department response:

Study	Recommendation / advice	Department response
Traffic impact assessment	<ul style="list-style-type: none"> The proposed 14 lots are likely to generate an additional 9 vehicle trips per hour during the AM peak and 10 vehicle trips per hour during the PM peak traffic periods. Local road network has capacity to cater for additional traffic associated with new development with relevant Aust Roads and TfNSW requirements. 	Traffic impact assessment to be reviewed by TfNSW.
Acoustic report	<ul style="list-style-type: none"> Standard glazing would be adequate to attenuate internal levels to satisfy relevant criteria for all areas (sleeping and living rooms) at a setback of approximately 150m from the Hunter Express Way (approximately southernmost boundary of site). A detailed assessment is recommended for individual dwellings prior to construction to assess appropriate acoustic treatments required, taking into consideration parameters such as building height, room arrangement and dwelling position. 	Acoustic impacts identified as reasonable or capable of attenuation at the development application stage.
Bushfire risk assessment	<ul style="list-style-type: none"> the planning proposal complies with <i>Planning for Bushfire Protection 2019</i> as the site: <ul style="list-style-type: none"> is serviced by tank water supplies, aboveground electricity, a public road and proposed perimeter road, and is of sufficient area to incorporate a compliant Asset Protection Zone and landscaping to adequately mitigate bushfire risk. 	Bushfire risk assessment to be reviewed by NSW Rural Fire Service.
Flood certificate	<ul style="list-style-type: none"> Flood certificate and the planning proposal indicates that the portion of the site proposed to be rezoned is not affected by flooding. Flood-free access is available on Averys Lane. 	Proposed R2 Low Density Residential zone is on flood-free

Study	Recommendation / advice	Department response
		land with flood-free access.
Stage 1 Biodiversity Certification Assessment Report (BCAR)	<ul style="list-style-type: none"> The proposed development site will result in impacts to: <ul style="list-style-type: none"> 0.7 hectares of PCT 1598- Forest Red Gum grassy open forest on floodplains of the lower Hunter. Impacts over 0.3Ha of LLS Category 2 land, requiring offsetting credits if developed. The planning proposal has indirect & direct impacts to flora & fauna, both common and threatened species. The vegetation integrity score for all vegetation zones within the development site is greater than 15, therefore impacts on this plant community type will require offsetting, if developed. No threatened flora species were recorded within the subject land during field investigation undertaken in accordance with the BAM. 	The BCAR will be reviewed by Biodiversity Conservation Division.
Servicing strategy (incorporating preliminary agency advice)	<ul style="list-style-type: none"> The site is capable of being serviced for water, wastewater, and electricity subject to certain works being carried out by the landowner. 	Satisfies the requirements of the Gateway resubmit.

Submission of the above technical studies alongside an updated planning proposal has satisfied the conditions of the Gateway resubmit.

2.2 Objectives or intended outcomes

The objective is to amend the planning controls for 2.6ha of the site to:

- zone partly as R2 Low Density Residential, with a minimum lot size of 450m²;
- zone partly as C2 Environmental Conservation; and
- identify the site as an Urban Release Area triggering the requirement for satisfactory arrangements for State infrastructure contributions.

The objectives are clear.

2.3 Explanation of provisions

The planning proposal includes the following provisions:

- rezone 1.38ha of land from RU2 Rural Landscape to R2 Low Density Residential, with a minimum lot size of 450m²;
- identified the site as an Urban Release Area;

- land identified as affected by flooding within the site area will be rezoned from RU2 Rural Landscape to C2 Environmental Conservation; and
- land zoned SP2 Infrastructure and no longer required for the Hunter Expressway will be zoned RU2 Rural Landscape and removed from identification the Land Reservation Acquisition Map*.

**Note: This provision is dependent on agency feedback from Transport for NSW regarding the extent of land to be rezoned and removed from the Land Reservation Acquisition Map.*

2.4 Mapping

The proposed changes will be made to the following map sheets:

- Land Reservation Acquisition Map Sheet - LRA_009A;
- Lot Size Map Sheet - LSZ_009A;
- Land Zoning Map Sheet - LZN_009A; and
- Urban Release Area Map Sheet - URA_009A.

The planning proposal includes the current and proposed Land Zoning Map (Figure 5) which is suitable for public exhibition.

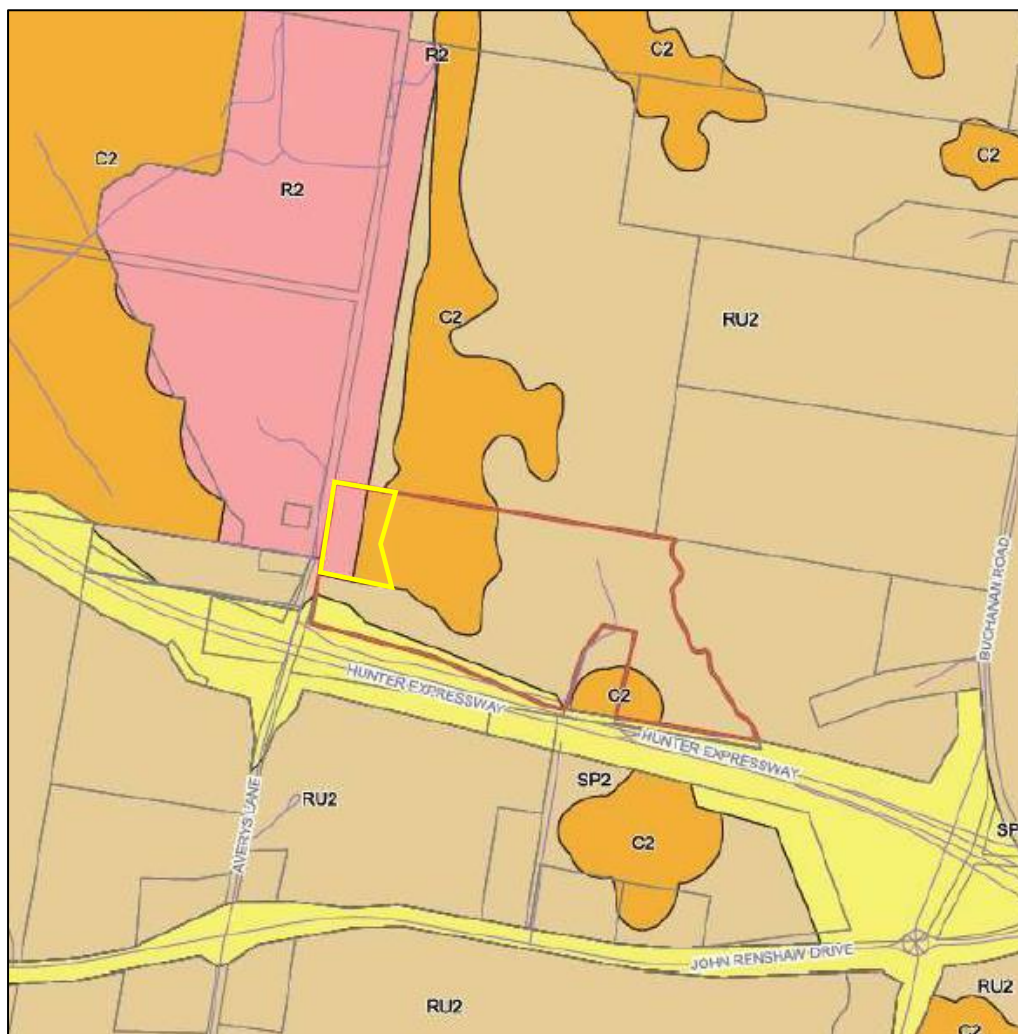


Figure 5 Extract proposed land zoning map (site outlined yellow)

The planning proposal should also include the current and proposed Land Reservation Acquisition Map, Lot Size Map, and Urban Release Area Map.

A condition will be included in the Gateway determination.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal rezones an isolated parcel of land adjoining an existing urban release area zoned R2 Low Density Residential. The land represents a logical extension to this residential area.

The site is separated from rural land and land identified around the Buchanan Interchange for road infrastructure, freight and logistics development in the future by flood prone land.

The planning proposal will rezone the land for its best long-term use without adversely impacting future development around the Buchanan Interchange.

Amendments to the Land Zoning, Lot Size and Urban Release Area, and potentially Land Reservation Acquisition Maps will be required. A planning proposal is the only mechanism to achieve this.

4. STRATEGIC ASSESSMENT

4.1 Regional / District

Hunter Regional Plan 2036

The following actions in the *Hunter Regional Plan 2036* are relevant to the planning proposal:

Action 4.7 Enhance the efficiency of existing regionally significant transport corridors and protect form inappropriate surrounding uses.

The land proposed to be rezoned for housing is physically separated from the Buchanan and Kurri Kurri Interchanges and freight and logistics uses would be inappropriate on this site in proximity to future residential development.

Refer to section addressing draft Hunter Regional Plan 2041 for additional rationale.

Action 14.1 protect areas of high environmental value ...

Areas adjoining the waterway that runs into Wallis Creek will be rezoned to C2 Environmental Conservation.

Action 21.2 Focus development to create compact settlements in locations with established services and infrastructure....

Action 21.7 Promote new housing opportunities in urban areas to maximise the use of existing infrastructure

This land adjoins land zoned for residential development and forming part of the Averys Rise Urban Release Area and close to the 'Bellbird to Maitland' urban growth area. Preliminary advice was sought from infrastructure providers who advised the following:

- Hunter Water:
 - Water – the site is “currently remote” from the networks however, there is capacity in the network and a 150mm watermain will be extended

southwards as the urban release area develops. The proponent will need to extend watermain to service the proposed lots.

- Wastewater – a new wastewater pump station is proposed opposite the site to service the urban release area. It is anticipated that the development will be within the catchment and there will be sufficient capacity to service the proposed lots.
- Ausgrid (electricity) – supply can be provided to the proposed lots subject to certain upgrades being undertaken by the proponent.

The planning proposal is consistent with the *Hunter Regional Plan 2036*.

Greater Newcastle Metropolitan Plan 2036

The following actions are relevant:

Action 16.1 Greater Newcastle Councils will focus new housing in existing urban areas

The proposed residential use represents a logical extension of an urban release area for the following reasons:

- the location of the site, at the geographical midpoint between interchanges on the Hunter Expressway, is unlikely to enable a freight, logistics or employment outcome nor any other complementary role to the function of the Expressway,
- introducing any of the above land uses may generate land use conflict with the residential development along Averys Lane,
- the site is 2.6ha in area and is constrained by flooding and has identified biodiversity which limits the potential 'footprint' of development achievable on the site.

The planning proposal is consistent with the *Greater Newcastle Metropolitan Plan 2036*.

Draft Hunter Regional Plan 2041

The planning proposal supports the following objectives of the draft Hunter Regional Plan 2041:

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

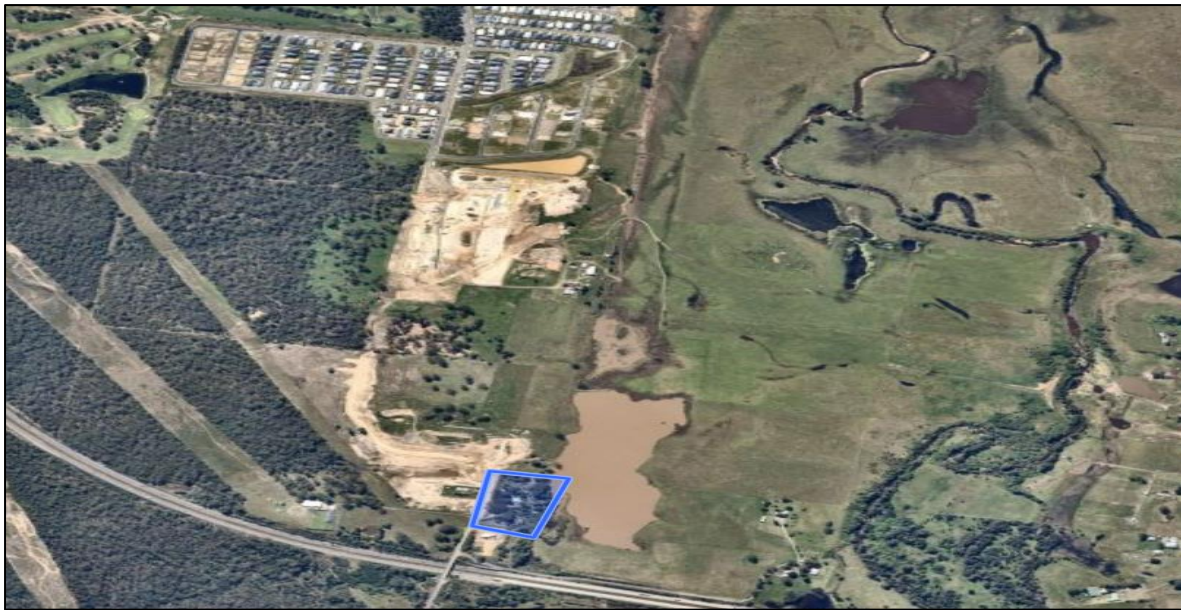


Figure 6: Surrounding development and earthworks for future residential development (site outlined in blue)

While there is new residential subdivision that is being developed to the west and north of site, this developing urban release area is totally zoned R2 Low Density Residential. The nearest business zoned location is around 4kms away in Kurri Kurri City Centre. Google maps indicates it would be a 53-minute walk and 16-minute cycle from the site to the Kurri Kurri City Centre.

Without some form of cycle infrastructure, the development of the site for residential purposes would likely constitute additional car dependent communities in the area. This is inconsistent with the intention of the draft Hunter Regional Plan 2041.

It is noted the R2 Low Density Residential zone under the *Cessnock Local Environmental Plan 2011* include permissible uses (with consent) of health consulting rooms; home-based child care; home businesses; home industries; hospitals; and neighbourhood shops. These uses if developed would support the site (and surrounding R2 Low Density Residential zoned areas) to meeting the every day needs of future residents without the need to rely on private car use.

Objective 5: Plan for 'nimble neighbourhoods', diverse housing and sequenced development

The draft regional plan recognises that in order to achieve the many public interest intentions of the draft plan, new developments will have to be different. There needs to be greater diversity of housing to improve affordability.

Given the proposed minimum lot size of 450m² is the same as the adjoining R2 Low Density Residential zoned areas, it is not consistent with this objective. It is noted dual occupancies are permitted with consent in the R2 Low Density Residential zone. This would provide an opportunity for housing diversity on the site.

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

Outcomes

- 1. Areas of high environmental value are protected and conserved to contribute to a sustainable region.***

2. The biodiversity network is sustainably managed and provide social, environmental, health, cultural and economic benefits to the region.
3. Development outcomes maintain or improve the environmental value or viability of the biodiversity network.

The planning proposal achieves these outcomes by zoning riparian areas, with natural attributes, to C2 Environmental Conservation.

Greater Newcastle district planning priority 12: Plan for the Hunter Expressway Corridor regionally significant growth area

Hunter Expressway principles

- Protect high value land adjacent to each interchange for industrial and freight and logistics uses.
- Protect the operation of the Hunter Expressway by limiting the encroachment of residential uses.

The site is located on the western boundary of the Buchanan Interchange Growth Area which adjoins the Kurri Kurri Interchange Growth Area (Figure 7).

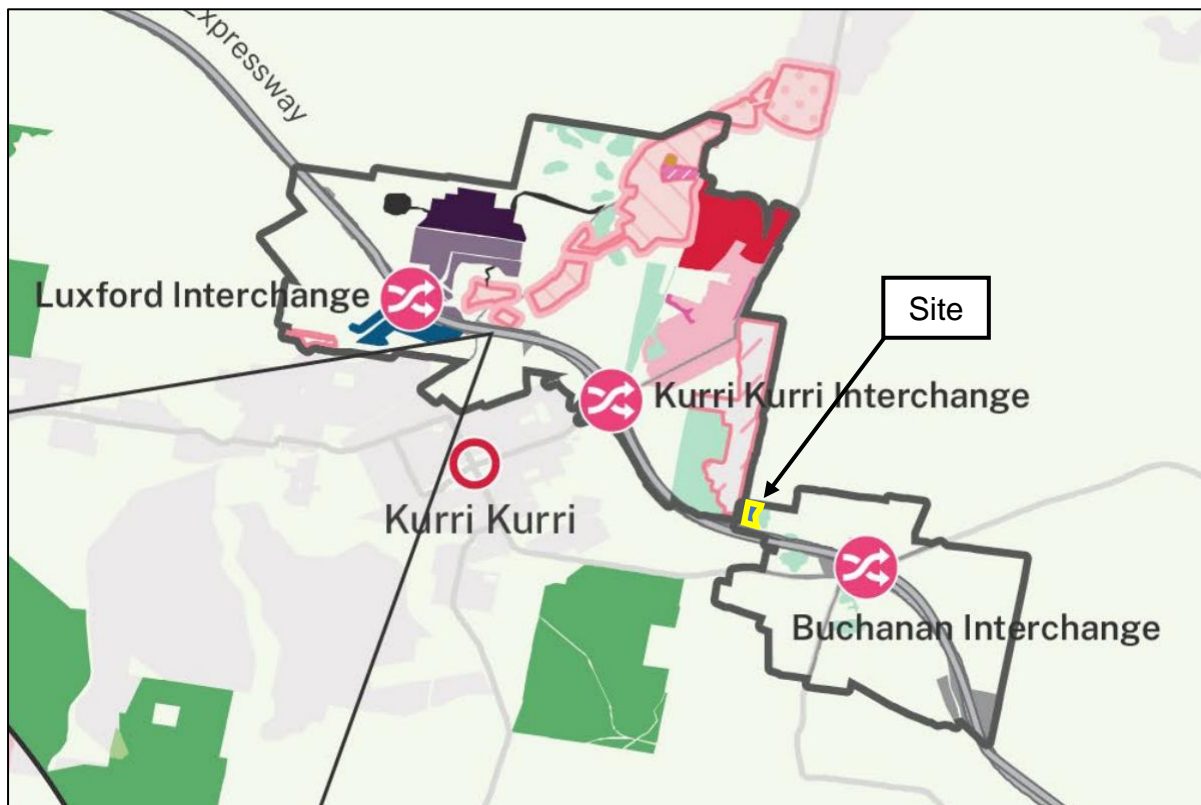


Figure 7 Extract map - draft Hunter Regional Plan 2041

The site is located at the mid-point between both interchanges and is bounded by flood prone land to the east. The proposed residential zone adjoins land already zoned R2 Low Density Residential and is identified as an urban release area.

The proposed residential zone is about 150m from the Hunter Expressway, edge roads and asset protection zones for bushfire protection will result in houses being

no closer than 170m. The Hunter Expressway is within a cutting in this location and will not adversely impact on amenity of residents.

In this instance, the site does not have the locational, contextual, or constraints-free attributes that would enable use of the land for freight, logistics or employment land uses envisaged by the draft regional plan.

The planning proposal will not adversely impact on the development and functioning of the Hunter Expressway or the Buchanan or Kurri Kurri Interchanges.

Overall, the planning proposal is inconsistent with the draft Hunter Regional Plan 2041. In this case, the *Hunter Regional Plan 2036* prevails over the inconsistency.

Draft Hunter Expressway Strategy 2020

The draft Hunter Expressway Strategy seeks to protect high-value land adjacent to the interchanges for industrial, freight and logistics land uses. It also seeks to limit encroachment of sensitive residential uses near the expressway, unless in a strategy endorsed by the Department of Planning and Environment and Transport for NSW.

The new residential zoning adjoins land already zoned for residential purposes and a similar distance (150m) from the expressway, which in this locality is within a cutting reducing amenity impacts.

Despite this, the proposed residential rezoning is not in a strategy endorsed by the relevant public authorities. The planning proposal is inconsistent with the draft Hunter Expressway Strategy. In this case, the *Hunter Regional Plan 2036* prevails over the inconsistency.

4.2 Local

Cessnock Community Strategic Plan 2027

While no specific theme relates directly to housing, it does refer to 'accessible infrastructure and services'. The planning proposal has been supported by a sewer servicing strategy and infrastructure assessment that demonstrates infrastructure and services are accessible and can be extended to the site in a cost-effective manner.

Cessnock Local Strategic Planning Statement 2036

The following themes, priorities and actions of the Cessnock Local Strategic Planning Statement 2036 are relevant to the planning proposal.

Liveable

- *Planning Priority 1 Urban areas are compact.*
- *Planning Priority 5 Infrastructure and services meet the needs of our community and are appropriately funded.*
- *Planning Priority 7 Urban development is encouraged in areas with existing infrastructure.*

The area to be rezoned for residential development adjoins areas already zoned for residential development with services and infrastructure available.

- *Planning Priority 8 Our rural land is protected from incompatible development.*

The land to be rezoned for residential purposes is separated from grazing land by a local waterway that is flood prone and zoned C2 Environmental Conservation.

Sustainable

Planning Priority 17 Our lands of environmental value are protected and enhanced.

Planning Priority 21 Developments minimise environmental impacts and respond to site environmental characteristics and natural hazards.

Unique

Planning Priority 22 Our rural landscape is retained and enhanced.

The land to be rezoned has an indicative development footprint to demonstrate how land with environmental values and flood prone land will be protected. Riparian areas are to be zoned C2 Environmental Conservation. The remaining area of the site to the east is physically separated and will retain its rural zoning, land uses and character.

Action 5 Examine urban release areas and rezone riparian corridors to an appropriate environmental zone; and

Ensure that that the rezoning and land uses for land that is significantly affected by natural hazards (e.g. flooding and bushfire) reflect the risk.

The riparian area adjoining the land to be rezoned for residential development and identified as an urban release area is to be rezoned C2 Environmental Conservation.

The planning proposal is consistent with the Cessnock Local Strategic Planning Statement 2036.

4.3 State environmental planning policies (SEPPs)

SEPP (Biodiversity and Conservation) 2021

The land includes the Hunter Lowland Redgum Forest Threatened Ecological Community and comprises vegetation suitable for habitat for a range of threatened fauna, including koalas and a range of birds.

A Biodiversity Certification Assessment Report (BCAR) has been prepared. The BCAR concludes that there is minimal risk of serious environmental impact. The planning proposal notes Biodiversity Conservation Division has advised the planning proposal could proceed, however, the determining authority would need to consider the biodiversity impacts under the *Environment Protection and Biodiversity Conservation Act 1999* as part of future development of the site.

SEPP (Housing) 2021

The land to be rezoned R2 Low Density Residential will allow a range of housing types and the provisions of the SEPP will apply.

SEPP (Primary Production) 2021

Land will be rezoned from RU2 Rural Landscape to R2 Low Density Residential. The land adjoins already zoned residential land and is not suitable for agriculture. Most of the land will remain available for agriculture and physically separated from the proposed residential area by a local waterway and flood prone land.

SEPP (Resources and Energy) 2021

The SEPP permits mining, petroleum production and extractive industry to be carried out on any land on which agriculture or industry are permitted. The proposed R2 Low

Density Residential zone permits forms of aquaculture, which is within the definition of agriculture and therefore the application of the SEPP remains unchanged.

SEPP (Transport and Infrastructure) 2021

The change from a rural zone to a residential zone may affect the application of the SEPP for several forms of infrastructure. However, such instances are of minor significance.

The SEPP continues to apply for education and child care establishments.

4.4 Section 9.1 Ministerial Directions

1.1 Implementation of Regional Plans

As outlined in section 4.1, the planning proposal is consistent with the *Hunter Regional Plan 2036* and the *Greater Newcastle Metropolitan Plan 2036*.

The planning proposal is consistent with the direction.

3.1 Conservation Zones

The planning proposal is not reducing the standards in any existing Conservation zone. It seeks to rezone land from RU2 Rural Landscape to R2 Low Density Residential and C2 Environmental Conservation. In addition, the land to be rezoned has been considered in a Stage 1 Biodiversity Certification Assessment Report (BCAR), which identifies there is minimal risk of serious environmental impact and early consultation with Biodiversity Conservation Division has occurred.

The current residential use of the land has disturbed the understorey, which when read in conjunction with the findings of the BCAR demonstrate that an intensified residential outcome of the site may be reasonable.

The planning proposal seeks to increase the application of the C2 Environment Conservation zone to adjoining riparian corridors which will provide a net environmental benefit over its current RU1 Primary Production zone.

The Biodiversity Conservation Division should be consulted on the planning proposal to confirm that the proposed land use zones align with the findings of the BCAR. A condition will be included in the Gateway determination.

3.2 Heritage Conservation

The planning proposal identifies that the land is mapped as having high to very high Aboriginal Heritage significance. It indicates that six Aboriginal sites are located within 50m of the site, however, the area to be rezoned for residential development is already significantly disturbed and surface artefacts are unlikely to be present.

The *Cessnock Local Environmental Plan 2011* contains standard heritage provisions in clause 5.10 for the protection of any potential artefacts which can be dealt with at the development application stage through conditions of consent.

Any inconsistency with the direction is of minor significance.

4.1 Flooding

The planning proposal includes land that is within the flood planning area and below the probable maximum flood. However, the area that is flood prone is to be zoned C2 Environmental Conservation, further restricting potential development. Flood-free

access will be available from the land to be zoned residential to Heddon Greta once Averys Lane road works are completed.

The planning proposal is consistent with the direction.

4.3 Planning for Bushfire Protection

The planning proposal affects bushfire prone land. A bushfire risk assessment has demonstrated that the land to be developed for residential purposes can comply with the requirements of *Planning for Bushfire Protection 2019*.

Consultation with NSW Rural Fire Service should occur prior to determining consistency with the direction.

4.4 Remediation of Contaminated Land

It is unknown if the land to be zoned for residential purposes has been subject to potentially contaminating land uses identified in Table 1 of the *Contaminated Land Planning Guidelines*. A Stage 1 Preliminary Site Investigation is required to determine the suitability of the land for residential purposes.

Ultimately, the planning proposal authority (in this case Council) needs to be satisfied the land is suitable in its contaminated state (or will be suitable after remediation) for all the residential purposes for what will be permitted under the R2 Low Density Residential zone.

This needs to be done before completing the rezoning.

4.5 Acid Sulfate Soils

While the planning proposal applies to land that includes Class 4 Acid Sulfate Soils, the land to be rezoned for residential purposes does not include acid sulfate soils.

The planning proposal is consistent with the direction.

5.1 Integrating Land Use and Transport

The planning proposal seeks to rezone a small portion of land for residential purposes adjoining a larger residential zone. The area will have access to a shared pathway on Averys Lane which will support cycling. This will enable access to Main Road 195, 2.4km away, which provides bus access to Maitland and Cessnock.

Any inconsistency with the direction can be considered of minor significance.

6.1 Residential Zones

The direction seeks to make efficient use of services and infrastructure and minimise the impact of residential development on the environment and resource lands.

The planning proposal is supported by a servicing strategy that included preliminary agency consultation with Hunter Water and Ausgrid. The site is capable of utilising existing infrastructure associated with the urban release area to the north subject to certain works being carried out by the proponent.

The planning proposal is consistent with the direction.

8.1 Mining, Petroleum Production and Extractive Industries

The direction seeks to enable ongoing mining and extraction of resources. The planning proposal does not affect identified State or regionally significant resources.

Any inconsistency with the direction is of minor significance.

9.1 Rural Zones

The direction does not support rezoning from a rural zone to a residential zone. The planning proposal seeks to rezone 1.38ha from RU2 Rural Landscape to R2 Low Density Residential. The land is already used as a house and not for agriculture.

The planning proposal is inconsistent with the direction, however, the inconsistency can be considered of minor significance.

9.2 Rural Lands

This direction seeks to protect the ongoing use of agricultural lands and avoid fragmentation and land use conflict.

The planning proposal seeks to rezone 1.38ha on the western edge of the property adjoining residential land to a residential zone. The land has been used as a house for some time and its site characteristics do not support productive agriculture.

The planning proposal is inconsistent with the direction, however, the inconsistency can be considered of minor significance.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The rezoning of the site will provide additional housing and a clear edge between urban and rural land. It will provide access to open space and environmental lands. In the future, access will be available to jobs as the employment lands around the Buchanan and Kurri Kurri Interchanges are developed.

5.2 Environmental

Most of the land will retain its current character and land use.

While the area to be rezoned for residential purposes includes remnant vegetation consistent with Hunter Lowland Redgum Forest, a threatened ecological community, through past use and urban management the understorey has been significantly modified.

The riparian areas along Wallis Creek, which are affected by flooding, will be rezoned C2 Environmental Conservation. No development is proposed on flood prone land.

The site is about 150m from the Hunter Expressway which is within a cutting at this location which should limit any amenity impacts.

5.3 Economic

Services and infrastructure will be available for extension from adjoining zoned lands. Development and use of the land will help stimulate the local economy.

5.4 Infrastructure

Infrastructure can be provided by extension from the adjoining approved residential area. It is proposed to construct Averys Lane for access.

6. CONSULTATION

6.1 Community

The planning proposal is defined as 'standard' in the *Local Environmental Plan Making Guideline 2021* and consultation for 28 days is appropriate.

6.2 Agencies

The Council has indicated the proponent has consulted a range of agencies and service providers.

Further consultation should be undertaken with:

- Transport for NSW;
- NSW Rural Fire Service; and,
- Biodiversity Conservation Division.

7. TIME FRAME

Council has proposed an eight-month timeframe. However, the planning proposal is categorised as 'standard' which has a 200 working day timeframe post Gateway determination.

The planning proposal should be placed on exhibition no later than 7 November 2022.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be authorised as the local plan making authority.

Council should be authorised as the local plan making authority under s3.31 of the *Environmental Planning and Assessment Act 1979*.

9. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Ministerial directions 3.2 Heritage Conservation; 5.1 Integrated Land Use and Transport; 8.1 Mining, Petroleum Production and Extractive Industries; 9.1 Rural Zones and 9.2 Rural Lands are of minor significance; and
2. note that consistency with section 9.1 Ministerial directions 3.1 Conservation Zones; 4.3 Planning for Bushfire Protection and 4.4 Remediation of Contaminated Land are unresolved.

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 updated prior to public exhibition to:
 - (a) include the current and proposed Lot Size Maps, Land Reservation Acquisition Maps and Urban Release Area Maps.
 - (b) include a Phase 1 preliminary contamination assessment.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities:
 - NSW Rural Fire Service;

- Transport for NSW; and
 - Biodiversity Conservation Division.
4. The LEP is to be made on or before 15 May 2023.
 5. Given the nature of the planning proposal, Council should be the local plan-making authority.
 6. The planning proposal is to be placed on public exhibition by 7 November 2022.



Dan Starreveld
Manager Local and Regional
Planning



Dan Simpkins
Director, Central Coast and Hunter
Region
Planning and Land Use Strategy

Assessment officer: Mark Parker
Principal Planning Officer,
Central Coast and Hunter Region
Phone: 9995 5286