



IRF22/4008

Gateway determination report – PP-2022-3695

Rezoning of 144-146 Munibung Rd Boolaroo from SP1
Special Activities (Hazardous Storage Establishment –
Containment Cell) to RE1 Public Recreation and B4
Mixed Use

January 23

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Lake Macquarie City Council
PPA	Lake Macquarie City Council
NAME	Rezoning and amendment of building heights at No.144-146 Munibung Rd, Boolaroo 14 dwellings, 44 jobs
NUMBER	PP-2022-3695
LEP TO BE AMENDED	<i>Lake Macquarie Local Environmental Plan 2014</i>
ADDRESS	144-146 Munibung Rd, Boolaroo
DESCRIPTION	Lot 1012 DP1270101 and Lot 601 DP1228699
RECEIVED	18/10/2022
FILE NO.	IRF22/4008
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

1.2 Objectives of planning proposal

The objectives of the planning proposal are to:

- rezone part of the land to RE1 Public Recreation to provide open space and public facilities;
- rezone part of the land to B4 Mixed Use to provide opportunities for mixed use development consistent with the surrounding areas; and
- correct various minor mapping anomalies to confirm the SP1 Special Activities zone boundaries.

The objectives of this planning proposal are clear and adequate.

The planning proposal recognises the general land use strategy for the Pasminco Cockle Creek Smelter is that remediated areas would be used for future urban development and facilitate employment-generating land uses on a site that historically supported a significant number of jobs.

1.3 Explanation of provisions

The planning proposal seeks to amend the *Lake Macquarie Local Environmental Plan 2014* per the changes below:

Table 2 Current and proposed controls

Control	Current	Proposed
Zone	144 Munibung Rd SP1 Hazardous Storage Establishment – Containment Cell 146 Munibung Rd B4 Mixed Use	144 Munibung Rd RE1 Public Recreation B4 Mixed Use 146 Munibung Rd B4 Mixed Use
Maximum height of the building	Part 144 Munibung Rd 8.5m 146 Munibung Rd 13m	18m 18m
Zoning, Maximum height of buildings, Minimum lot size	Various surrounding lots	Various amendments of surrounding minor boundary errors.
Number of dwellings	144 Minibung Rd – Nil 146 Munibung Rd - 18	144 Munibung Rd - 7 146 Munibung Rd - 25
Number of jobs	144 Munibung Rd – Nil 146 Munibung Rd - 160	144 Munibung Rd – 42 146 Munbung Rd - 160

Note: Above housing and jobs calculations based on Landcom's 66 dwellings per hectare for medium density housing allowing 2 floors for retail and commercial and 35sqm per full time job for a mix of commercial and retail.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

The planning proposal justifies increasing building height to 18m to attract a landmark development to deliver employment and housing outcomes. Clause 5.10 of *Lake Macquarie Local Environmental Plan 2014* will require future development to provide a heritage impact statement that addresses potential impacts. The existing development control plan also provides heritage standards and supporting heritage management and conservation documents that guide surrounding development around Local Heritage item No. 227 former laboratory building for the former Pasminco site.

1.4 Site description and surrounding area

The land is located on the former Pasminco Cockle Creek smelter site directly south of the Containment Cell. It is approximately 300m east of Cockle Creek Railway Station and 800m north of the Boolaroo local centre.

144 Munibung Road is 7,380sqm of vacant land and located immediately adjacent to the containment cell. Development of the nearby Costco store has resulted in Cressy Road being constructed across this land. Until recently the site was considered part of ongoing operations of the adjacent containment cell. However, NSW Waste Asset Management Corporation (WAMC) have confirmed it is not necessary for this purpose.

146 Munibung Road is 5,610sqm of level and cleared land. The recently constructed Cressy Road is immediately to the east of this land. Local heritage item 227 (former laboratory building for the

former Pasminco site) is located on land immediately to the south. Future development applications will need to be accompanied by a heritage impact assessment addressing the local environmental plan and development control plan heritage requirements.

Mapping Anomalies – Attachment 1 forming part of the planning proposal outlines the proposed amendments to the maps to correct the anomalies and to support future urban development. The containment cell will remain zoned SP1 Special Activities.

The planning proposal states landowners include Hunter an Central Coast Development Corporation, Transport Asset Holding Entity of NSW and Lake Macquarie City Council.

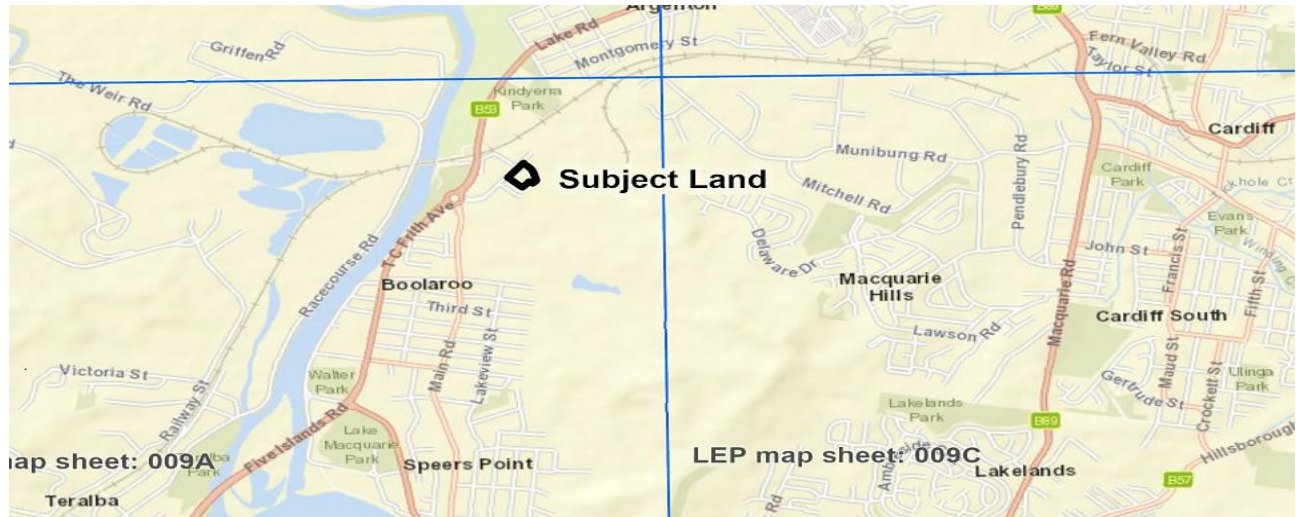


Figure 1 Subject site location (source: Planning Proposal)



Figure 3 Subject site boundaries (source: Planning Proposal)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zoning and Height of Buildings maps, which are suitable for community consultation.



Figure 4 Current zoning map



Figure 5 Proposed zoning map



Figure 6 Current height of building map



Figure 7 Proposed height of building map

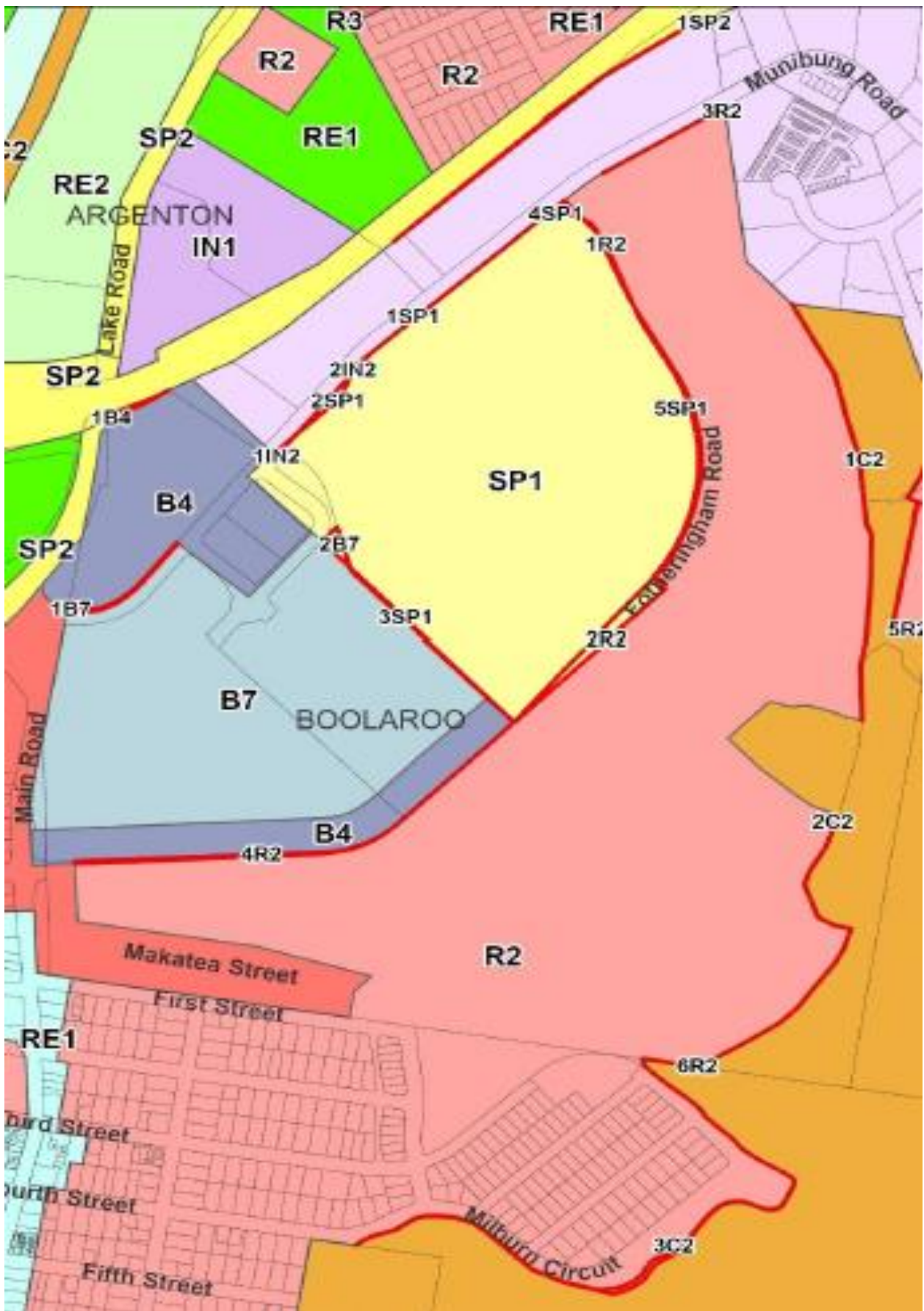


Figure 8 Current Zoning Map

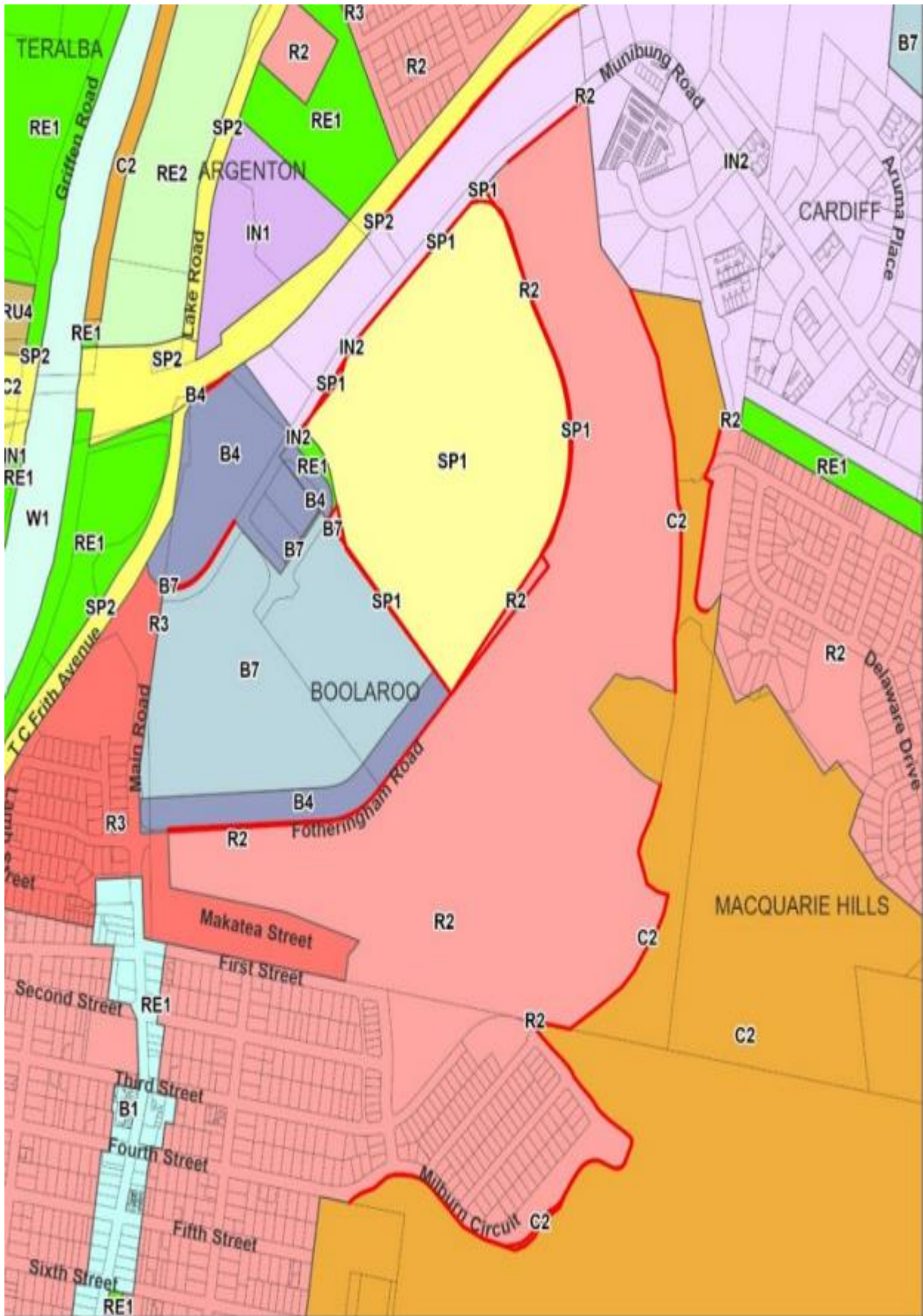


Figure 9 Proposed zoning map

1.6 Background

Recent land ownership changes in the Pasminco land have provided opportunities for development in line with the strategic intent for the area.

This site has been subject to remediation works and the relevant site audit statements (GN4 16-22 and GN4 16-20) identify the site as suitable for:

- residential;
- day care, pre-school and primary school;
- secondary School;
- park, recreation, open space and playing field; and
- commercial/industrial.

The lands are suitable for development in line with the strategic intent and remediation.

2 Need for the planning proposal

Changes in land zoning and subsequent building height are in line with the Lake Macquarie Strategic Planning Statement and Council's endorsed draft Area Plan for the Cockle Creek Precinct.

The proposed changes can only be implemented through a planning proposal which provides transparency and clarity for the community and developers.

3 Strategic assessment

3.1 Hunter Regional Plan 2041

The *Hunter Regional Plan 2041* acknowledges the Hunter contains many different communities across various urban, rural and coastal contexts, each of which will see the 15-minute neighbourhood take a different shape. The site's setting means it has a general urban context.

Table 4 Regional Plan assessment

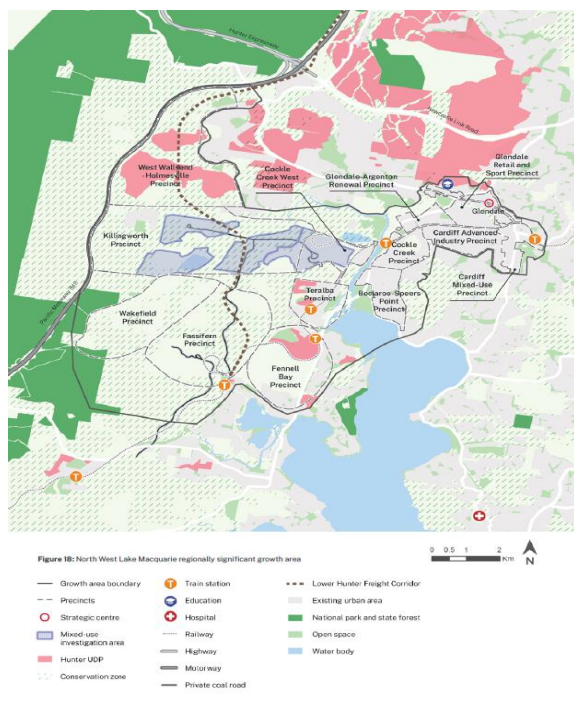
Regional Plan strategy	Justification
<p>Strategy 1.4: Planning proposals for new employment lands will demonstrate they:</p> <ul style="list-style-type: none"> • are located in areas which will not result in land use conflict • can be adequately serviced and any biodiversity impacts are manageable • respond to the employment land needs identified for that local government area. 	<p>The proposed employment uses are in an existing employment precinct. There is no vegetation on site and there is capacity in the existing utilities and road network. The proposal is consistent with the Pasminco Area Plan and draft Cockle Creek Area Plan for increased employment uses in the locality.</p> <p>The planning proposal is consistent with the strategy.</p>

<p>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:</p> <ul style="list-style-type: none"> • business premises • restaurants or cafes • take-away food and drink premises • neighbourhood shops and supermarkets • educational establishments • early education and care facilities • health services facilities • markets • community facilities • recreation area 	<p>The proposed B4 Mixed Use zone in the <i>Lake Macquarie Local Environmental Plan 2014</i> permits the land uses in the strategy.</p> <p>The planning proposal is consistent with the strategy.</p>
<p>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 impact on human health and wellbeing.</p>	<p>The proposed RE1 Public Recreation zone is adjacent to Munibung Road and will be adjacent to industrial and special purpose zones.</p> <p>The site audit statements have stated the site is suitable for parks, recreation, open space and playing fields.</p> <p>The <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> includes objective to prevent or reduce the potential impact of traffic noise and vehicle emissions on development adjacent to classified roads.</p> <p>There does not appear to be any technical reports on air pollution impacts of major roads.</p> <p>The planning proposal includes an assessment against the former Hunter Regional Plan 2036 and the draft regional plan. An assessment against the relevant performance outcomes for Objective 7 has not been provided.</p> <p>Therefore, a view has not been able to be formed as to the proposal's consistency with the strategy or performance indicators.</p>
<p>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.</p>	<p>The specific characteristics of commercial activity in area is set out in the North West Lake Macquarie regionally significant growth area below.</p> <p>The planning proposal is consistent with the strategy.</p>

North West Lake Macquarie regionally significant growth area

Cockle Creek Precinct:

- establish an iconic city landmark for visitors, workers and customers from outside the area
- provide a diversity of jobs in commercial and employment precincts, such as retail, tourism, innovative and knowledge-based industries
- create people-orientated places that are inviting, entertaining, safe, convenient and integrated with active public transport, particularly along TC Frith Avenue, Main Road and Munibung Road
- expand Cockle Creek rail station and expose a multi-modal interchange to support growth
- enhance open space and connect the cultural and recreational potential of Munibung Hill.



The regional plan recognises the need to prepare a place strategy to support this growth, deliver optimal densities and reinforce 15 minute neighbourhood principles. This planning proposal can proceed before the preparation of a place strategy, because it is consistent with the identified cockle creek precinct outcomes.

Council's draft Cockle Creek Precinct Area Plan is consistent with the Cockle Creek Precinct in the *Hunter Regional Plan 2041*.

A mixed used development up to 18m with a potential dwelling yield of 35 dwellings should deliver an iconic development in this location and potential catalyst for similar developments.

The mixed use zone permits a wide variety of commercial, retail, educational and medical land uses to create a desirable destination.

Street activation along Munibung Road and increased patronage of public transport should improve pedestrian connectivity, but this location is likely to remain car dominated until residential densities significantly increase.

The site is also situated between Costco Wholesale and Bunnings warehouses, which attracts customers outside walkable catchments who rely on private transportation.

The provision of a public reserve as part of this development is critical to supporting the needs of future residents as well as visitors. Future residents will also have access to walking tracks at Munibung Hill, recreational facilities at Spears Point Park and spectacular waterways.

Appendix B: Repealed plans and strategies

The planning proposal has included an assessment of the proposal against the former Hunter Regional Plan 2036.

A Gateway condition has been included to update this assessment to the current *Hunter Regional Plan 2041* and remove references to repealed plans and strategies.

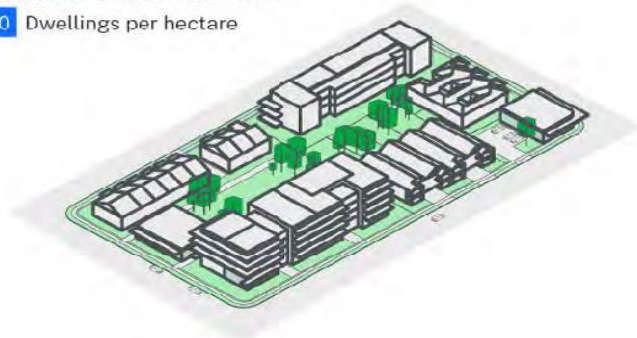
3.1.1 Optimal density

The regional plan is seeking a mix of densities in terms of the urban and suburban context, and has proposed minimum and desired dwelling density targets within urban and suburban contexts that will be implemented through local strategic planning. As such, this optimal density is not mandated for planning proposals.

For this site, in a general urban context, the optimal density being sought by the regional plan is 50 dwellings per hectare. If the proposal is within 800m of high frequency public transport, the optimal density is 75 dwellings per hectare.

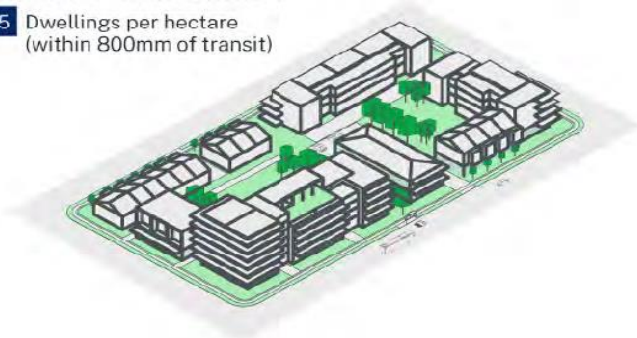
General Urban Context

50 Dwellings per hectare



General Urban Context

75 Dwellings per hectare
(within 800m of transit)



The planning proposal explores and delivers optimal densities by increasing building heights to 18m. The increase in building height creates the opportunity to deliver a mixed use development of 4-5 storey, consisting of up to 35 dwellings.

Optimal density is identified in the regional plan as one of the elements that enable 15 minute neighbourhood, by enabling human activity to support neighbourhood uses and services. This is also acknowledged in the performance outcomes in Objective 4 that urban areas and densities support the efficient and viable operation of public transport services for the 30 minute strategic centres.

The combination of low density, separated land uses and car-prioritising infrastructure decisions has consequences in terms of household costs, equity and choice. By reducing car dependency and vehicle ownership, it can reduce public health and infrastructure costs; reduce greenhouse gas emissions and air pollutants; improve the environment; and increase personal health and social equity.

The opportunity to provide an optimal density is limited by the site's location next to the local heritage item 'Former laboratory building on the former Pasminco site'. Despite this, the Department would be supportive of increased density on the site as the site is located close to public transport, employment and a proposed public open space.

3.2 Greater Newcastle Metropolitan Plan 2036

The *Greater Newcastle Metropolitan Plan 2036* sets out strategies and actions to drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities and assists to achieve the vision set by the former Hunter Regional Plan 2036. The metropolitan plan was published in September 2018.

Table 5 Greater Newcastle Metropolitan Plan 2036 assessment

Metropolitan Plan Outcomes and Actions	Justification
Outcome 1: Create a workforce skilled and ready for the new economy	<p>Strategy 7 Respond to the changing land use needs of the new economy</p> <p>Action 7.2 The Department of Planning and Environment, working with Newcastle City and Lake Macquarie City Councils, will:</p> <p>review the role of former manufacturing land in the metro core to determine potential for new business, housing or open space</p> <p>The planning proposal considers new retail, commercial, residential and open space on remediated former industrial lands.</p>
	<p>Strategy 8 Address changing retail consumer demand</p> <p>Action 8.1 Greater Newcastle councils will:</p> <p>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>undertake public domain improvements to respond to the Movement and Place framework (an integrated land use and transport planning tool used by the NSW Government to improve the liveability of places).</p> <p>The planning proposal provides for a diversity of retail, commercial, residential and open space uses within the developing Munibung Precinct.</p>
	<p>Strategy 9 Plan for jobs closer to homes in the metro frame</p> <p>Action 9.2 Greater Newcastle councils will:</p> <p>enable small business growth in residential zones close to centres and transport connections.</p> <p>The planning proposal provides for residential development within a B4 Mixed Use zone within a growing employment area close to Cockle Creek railway station.</p>
Outcome 3: Deliver housing close to jobs and services	<p>Strategy 16 Prioritise the delivery of infill housing opportunities within existing urban areas</p> <p>Action 16.3 For the Stage 2 urban renewal corridors, Newcastle City Council and Lake Macquarie City Council will undertake an investigation of renewal potential and ensure proposals do not prevent future redevelopment opportunities.</p> <p>The planning proposal places employment and residential opportunities close to the Cardiff-Glendale Strategic Centre and within walking distance of Cockle Creek railway station.</p>

Outcome 4: Improve connections to jobs, services and recreation	Strategy 20 Integrate land use and transport planning Development opportunities near train stations in the short term include Cockle Creek The planning proposal provides mixed use development within walking distance of Cockle Creek railway station.
Catalyst Area North West Lake Macquarie	Munibung Precinct Lake Macquarie City Council will: align local plans to facilitate urban renewal through increased housing density and mixed-use including large format retail and office uses explore options to improve pedestrian connections to Cockle Creek Train Station with Transport for NSW. The planning proposal provides for mixed use development within walking distance of Cockle Creek railway station. The proposal will deliver additional jobs and housing for the area.

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies.

3.3.1 Shaping the Future – Lake Macquarie City Local Strategic Planning Statement

The site lies within the North West Catalyst Area in the broader North West Growth Area between Speers Point, Edgeworth and Cardiff. This is an accessible location which provides opportunity to generate significant jobs, diversify housing supply and add more advanced manufacturing, recreation, open space and services for the broader region. The proposed mixed use and public recreation zones will provide the ability to deliver these opportunities. More specifically it will deliver on:

Action 3.19 – The B4 Mixed Use and RE1 Public Recreation Zones will enable development of large format retail, office based jobs and open space as well as affordable medium density housing with enhanced lifestyle amenities.

Action 3.21 – The B4 Mixed Use and RE1 Public Recreation Zones will enable transformation of this part of the former Pasminco site and ensure transition between new and rehabilitated areas.

Munibung Precinct – The planning proposal will enable this area to be developed for mixed use residential and employment at a range of scales and close to Cockle Creek railway station, 300m away.

3.3.2 Pasminco Area Plan (Lake Macquarie Development Control Plan 2014) and draft Cockle Creek Area Plan

Both these plans identify this area for development for jobs, retail, open space and residential and provide more detail on amenity and heritage. The heritage provisions in these two documents as well as *Lake Macquarie LEP 2014* will enable design and assessment of suitable development to protect and complement the adjoining local heritage item '*Former laboratory building on the former Pasminco site*'.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Ministerial directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistency yet to be demonstrated	<p>The objective of this direction is to give legal effect to the vision, objectives and strategies in the <i>Hunter Regional Plans 2041</i>.</p> <p>The planning proposal includes an assessment against the former Hunter Regional Plan 2036 and the draft regional plan. An assessment against the relevant strategies and Objective performance outcomes has not been provided.</p> <p>Therefore, a view has not been able to be formed as to the proposal's consistency with direction.</p>
3.2 Heritage Conservation	Yes	<p>The site adjoins land containing local heritage item 227 in <i>Lake Macquarie Local Environmental Plan 2014</i>, 'Former laboratory building on the former Pasminco site'.</p> <p>The planning proposal notes that Council's heritage staff supported the retention of a 13m building height within the curtilage of the heritage item.</p> <p>However, the planning proposal seeks to increase the height to 18m as this will best achieve the landmark economic development of the site. The local environmental plan contains standard heritage provisions to consider the impact of development on heritage items.</p> <p>In addition, the <i>Pasminco Area Plan (Lake Macquarie DCP 2014)</i> and draft Cockle Creek Area Plan contain more detail to help protect heritage values.</p> <p>The planning proposal is consistent with the direction.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.2 Coastal Management	No	<p>The site is affected by land identified as 'Coastal Environment Area' within the Coastal Zone. It does not affect land identified as a 'Coastal Vulnerability Area' or an area identified as 'coastal wetland' or 'littoral rainforest' in Chapter 2 of SEPP (Resilience and Hazards) 2021.</p> <p>The inconsistency is justified and of minor significance as it is an adjustment to an existing business zoned land and consistent with local strategic planning.</p>
4.4 Remediation of Contaminated Lands	Yes	<p>The site has been subject to remediation and site audit reports and statements certify the land is suitable for the intended uses.</p> <p>Minor zone boundary adjustments elsewhere in the locality are to clarify and align with the containment cell boundary.</p>
4.5 Acid Sulfate Soils	No	<p>The planning proposal does not include an acid sulfate soils study.</p> <p>The inconsistency can be considered of minor significance as the planning proposal is supported by strategic plans, audit reports and the <i>Lake Macquarie Local Environmental Plan 2014</i> contains standard acid sulfate soils provisions to manage the assessment of development proposals.</p>
4.6 Mine Subsidence and Unstable Land	Consistency yet to be demonstrated	<p>The planning proposal is within a proclaimed mine subsidence district and consultation with Subsidence Advisory NSW is required and include a copy of its response to the Secretary prior to community consultation.</p>
5.1 Integrating Land Use and Transport	Consistency yet to be demonstrated	<p>The site adjoins existing B4 Mixed Use zones and is within close proximity of Cockle Creek railway station.</p> <p>Consultation with Transport for NSW is recommended.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.2 Reserving Land for Public Purposes	Consistency yet to be demonstrated	<p>The planning proposal seeks to rezone land from SP1 Special Uses to RE1 Public Recreation. The approval of the Secretary is required as well as the approval of the State Authority managing the land – ‘Hunter and Central Coast Development Corporation’.</p> <p>Referral to the Hunter and Central Coast Development Corporation is required and subsequent approval of the Secretary.</p>
6.1 Residential Zones	Yes	<p>This direction applies as the planning proposal seeks to amend the R2 Low Density Residential zone boundaries to align with the boundary of the containment cell.</p> <p>The planning proposal is considered consistent with this direction because the R2 Low Density Residential zone continues to permit housing diversity and does not reduce permissible residential densities.</p>
7.1 Business and Industrial Zones	Yes	The planning proposal seeks to increase potential for employment lands. The planning proposal is consistent with the direction

3.5 State environmental planning policies (SEPPs)

With exception of SEPP (Resilience and Hazards) 2021 – Chapter 2, the planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Resilience and Hazards) 2021	Chapter 2 Coastal Management	No	<p>The site lies within a Coastal Environment Area and seeks to intensify development.</p> <p>The SEPP includes provisions to be considered when proposing development within this area.</p> <p>The inconsistency is justified and of minor significance as it is an adjustment to an existing business zoned land and consistent with local strategic planning.</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Resilience and Hazards) 2021	Chapter 4 Remediation of Land	Yes	<p>Remediation of the Cockle Creek Smelter site was approved by the Department of Planning and Environment. This included the creation of a containment cell for contaminated material and site audit statements for sites as remediation progresses.</p> <p>Audits for 144 and 146 Munibung Road certify the sites are suitable for the intended uses.</p> <p>Surrounding minor zone boundary adjustments ensures zoning accurately identifies the containment cell boundary (see Figure 9).</p>
SEPP (Transport and Infrastructure) 2021	Chapter 2 clause 2.122 and Schedule 3	Yes	<p>The provisions of the SEPP apply specifically to development applications and could require notification of Transport for NSW for commercial premises or shops on the site.</p> <p>Council intends to consult Transport for NSW about the planning proposal.</p>

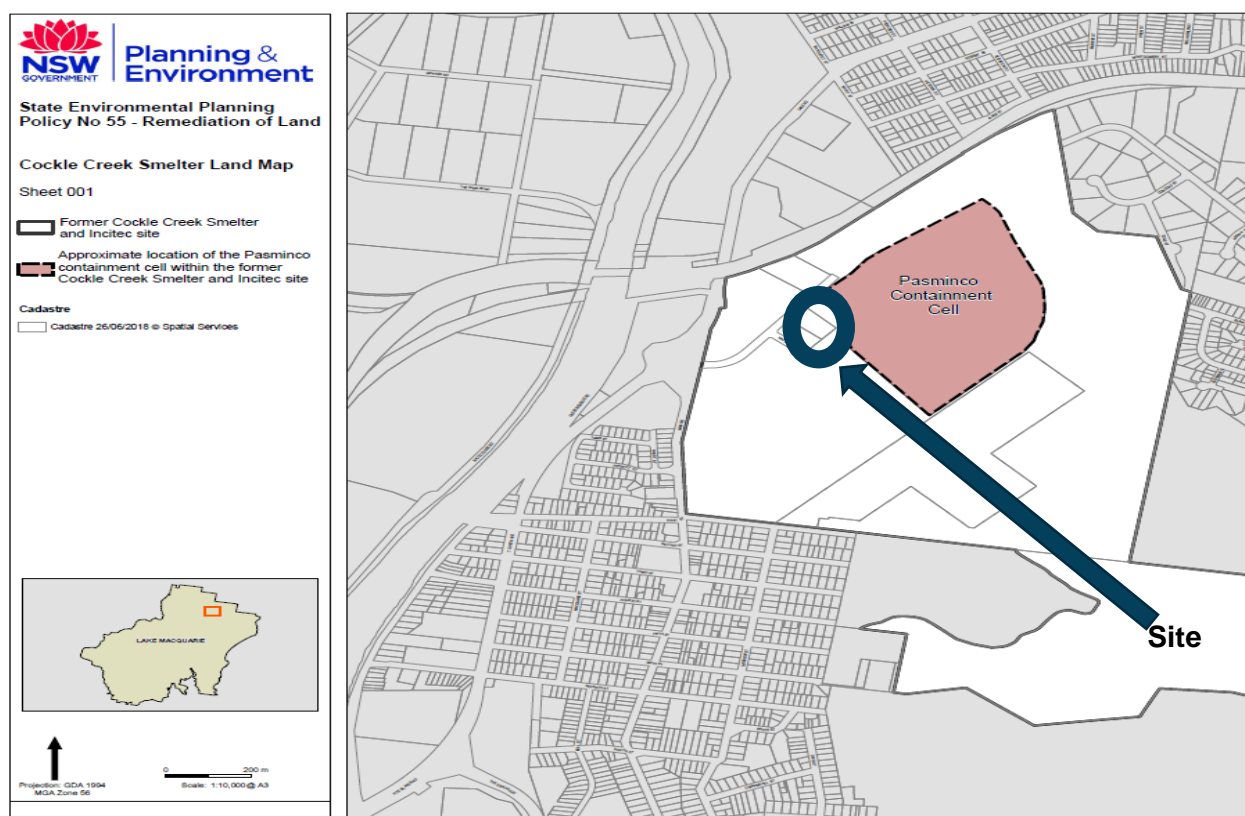


Figure 10 Containment cell boundary

4 Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Ecological communities	The sites are cleared of vegetation and ecological impacts will be minimal.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Retail and services	Expansion of the B4 Mixed Use zone will provide additional opportunities for local services and retail reducing the need for travel for everyday needs. It will also provide additional employment lands close to public transport and homes.
Open Space	Development of land for open space will provide recreation facilities close to homes and jobs.

4.3 Infrastructure

The site has good access to public infrastructure and services including rail, roads and utilities. The rezoning for the Costco and Bunnings sites involved significant consultation with infrastructure and service authorities. There is adequate infrastructure to support the proposal.

5 Consultation

5.1 Community

Council has proposed a community consultation period of 28 days.

The planning proposal is categorised as standard in the *Local Environmental Plan Making Guideline September 2022* and an exhibition period of 30 days is considered appropriate, and forms the conditions of the Gateway determination.

5.2 Agencies

Lake Macquarie City Council has indicated it will consult with:

- Subsidence Advisory NSW;
- NSW Rural Fire Service;
- Environment Protection Authority;
- Transport for NSW; and
- Hunter and Central Coast Development Corporation.

Consultation with NSW Rural Fire Service is not triggered by section 9.1 Direction 4.3 Planning for Bushfire Protection as the site is not identified as bushfire prone land and it is therefore not necessary to consult. Consultation with other agencies is considered appropriate given the history and location of the site.

6 Timeframe

Council proposes a 12 month timeframe to complete the LEP.

Under the new Local Environmental Plan Making Guide (September 2022), a standard planning proposal is to achieve the following timeframes:

Stage	Actions	Working Days
Post-Gateway	Review gateway, action conditions, prepare relevant studies and consult with government agencies prior to exhibition.	70 days (counted from date of Gateway determination)
Public exhibition and assessment	Undertake public exhibition and consultation with authorities, review of submissions and endorsement of proposal by the planning proposal authority.	115 days (inclusive of a minimum public exhibition period of 28 days)
Finalisation	Finalisation of the local environmental plan, including legal drafting and gazettal.	70 days
Total		225 days

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making Authority.

As the planning proposal includes land in public ownership (both State and Local Government) it is not recommended Council be authorised as the local plan-making authority for this proposal.

8 Recommendation

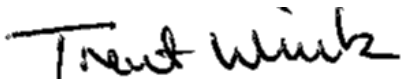
It is recommended the delegate of the Secretary:

- agree any inconsistencies with section 9.1 Ministerial directions 4.2 Coastal Management and 4.5 Acid Sulfate Soils are of minor significance and justified; and
- note that the inconsistencies with section 9.1 Ministerial directions 1.1 Implementation of Regional Plans, 4.6 Mine Subsidence and Unstable Land; 5.1 Integration Land Use and Transport and 5.2 Reserving Land for Public Purposes are unresolved and will require consultation with Subsidence Advisory NSW and Hunter and Central Coast Development

Corporation, respectively, prior to community consultation. Copies of their responses are to be forwarded to the Department.

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

1. The planning proposal be updated to remove assessment against the Hunter Regional Plan 2041 and replace it with assessment against the *Hunter Regional Plan 2041*.
2. Consultation is required with the following public authorities:
 - Subsidence Advisory NSW;
 - Environment Protection Authority;
 - Transport for NSW; and
 - Hunter Central Coast Development Corporation.
3. The planning proposal should be made available for community consultation for a minimum of 30 days.
4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



(Signature)

27 January 2023 (Date)

Trent Wink

A/Manager, Central Coast and Hunter



(Signature)

3 February 2023 (Date)

Dan Simpkins

Director, Central Coast and Hunter

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Mark Parker

Principal Planning Officer, Central Coast and Hunter

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