

Gateway Determination

Planning proposal (Department Ref: PP-2022-3695): to rezone land to B4 Mixed Use and RE1 Public Recreation and increase building heights at 144 and 146 Munibung Road, Boolaroo. It also corrects various LEP mapping anomalies to confirm the boundaries of the SP1 Special Activities zone (remediation-containment cell).

I, the Director, Central Coast and Hunter at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Lake Macquarie Local Environmental Plan 2014* to rezone land to B4 Mixed Use and RE1 Public Recreation and increase building heights at 144 and 146 Munibung Road, Boolaroo plus mapping anomalies should proceed subject to the following conditions:

1. The planning proposal should be updated prior to public exhibition to remove any references in the planning proposal to the Hunter Regional Plan 2036 and replace it with an assessment against the *Hunter Regional Plan 2041*.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 30 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - Subsidence Advisory NSW;
 - Environment Protection Authority;
 - Transport for NSW; and
 - Hunter and Central Coast Development Corporation.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The LEP should be completed on or before 22 December 2023.

Dated 3 day of February 2023.

A handwritten signature in black ink, appearing to read 'Dan Simpkins', with a long horizontal line extending to the right.

Dan Simpkins
Director, Hunter and Central Coast
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning and
Homes