

## Planning Proposal

# REZONING FROM SP1 SPECIAL ACTIVITIES TO RE1 PUBLIC RECREATION AND B4 MIXED USE & AMEND HEIGHT OF BUILDING Draft Amendment to Lake Macquarie Local Environmental Plan 2014

### Public Exhibition Version

<b>Local Government Area:</b>	Lake Macquarie City Council (LMCC)
<b>Name of Draft LEP:</b>	Planning Proposal - Zone and Height Amendments - Various Land Areas on the Former Pasmenco Site
<b>Subject Land:</b>	144 Munibung Road Boolaroo, Lot 1012 - DP 1270101 146 Munibung Road Boolaroo, Lot 601 - DP 1228699 Multiple lots associated with minor zone boundary amendments. See attachment 1 for details.
<b>Proponent:</b>	Lake Macquarie City Council
<b>Land Owner:</b>	HUNTER AND CENTRAL COAST DEVELOPMENT CORPORATION (HCCDC) OOT DEVELOPMENTS PTY LTD GREENCAPITAL WEEMALA PTY LTD TRANSPORT ASSET HOLDING ENTITY OF NSW LAKE MACQUARIE CITY COUNCIL COSTCO WHOLESALE AUSTRALIA PTY LTD
<b>Planning portal reference:</b>	PP-2022-3695
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<b>Version:</b>	Post-Gateway Version
<b>Date:</b>	18 April 2023
<b>Author:</b>	Kent Plasto - Strategic Landuse Planner
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Attachment 3	DPIE Letter to LMCC Re PP 2021 1024 - Request for Additional Information prior to Gateway Determination (Council ref: D10036773)
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Attachment 7	Gateway Determination - PP-2022-3695 - (Council ref: D10971404)
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Version	Author	Date	Details
V1	Kent Plasto	29 July 2022	Pre-Gateway - Draft Planning Proposal REZONING FROM SP1 SPECIAL ACTIVITIES TO RE1 PUBLIC RECREATION AND B4 MIXED USE & AMEND HEIGHT OF BUILDING

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## INTRODUCTION

The subject land is located on the former Pasmaenco Cockle Creek Smelter (PCCS) site fronting Munibung Road directly south of the Containment Cell, approximately 300m east of Cockle Creek Railway Station and 800m north of Boolaroo local centre. The general land use strategy for the PCCS site 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.

Recent change in ownership over the Pasmaenco land areas has provided opportunity to build on and clarify the role of business zoned land and the intentions for the Munibung Precinct evident in Lake Macquarie Local Strategic Planning Statement (LMLSPS). This change has also initiated the review of the Pasmaenco Planning Framework and subsequent review of the Pasmaenco Area Plan LMDCP2014. The draft Cockle Creek Precinct Area Plan is intended to clarify and define the roles of certain special precinct areas as well as reflect Council’s strategic vision for the area as identified in the LMLSPS and the outcomes of both reviews. The draft Area Plan was endorsed by Council for public exhibition on the 10<sup>th</sup> May 2021 and envisions the Cockle Creek Precinct as:

*An iconic landmark that promotes Lake Macquarie's leading role in the region and State and generates excitement, attracts visitors, workers and customers from outside of the city. It develops new housing and employment opportunities that contribute to the economic diversification and development of the City.*

The intention for the Draft Area Plan is to supersede the existing Pasmenco Area Plan.

In outlining the nexus between the subject land areas and the relevance of strategic intentions for the area, the Draft Area Plan supports the potential for business and light industrial zoned land to be innovative, diverse and feature landmark qualities that attract regional attention.

Both 144 and 146 Munibung Road Boolaroo have been subject to remediation works and the relevant Site Audit Statements (GN416 – 22 & GN416 – 20) identify both sites as suitable for the following uses:

- Residential
- Day care pre school and primary
- Secondary school
- Park, recreation open space and playing field
- Commercial/industrial

As a result of remediation and associated subdivision works, both sites are adequately prepared for development with access to services and infrastructure.

#### 144 Munibung Road, BOOLAROO - Lot 1012 DP 1270101

The site is vacant of development, approximately 7,380m<sup>2</sup> in size and is located directly adjacent to the Containment Cell. Recent development associated with Costco has seen the construction of Cressy Road which traverses the site from west to east, dissecting the site leaving two unused land areas to the north and south of the road. 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. See attachment 2 (Council ref: D09857910) for details.

#### 146 Munibung Road, BOOLAROO - Lot 601 DP 1228699

This site is approximately 5,610m<sup>2</sup> in area and is also predominantly level and clear of vegetation. Local Heritage item 227 is located on adjacent land directly to the south of 146 Munibung Road. Land to the south is approximately 1.8m higher at ground level than 146 Munibung Road due to a steep incline along the southern boundary.

Recent development associated with Costco has seen the construction of Cressy Road adjacent to the eastern boundary. There is a small section of land at the front of the site fronting Munibung Road that is burdened and must not place any structure, landscaping or plantings in excess of 1.5 metres in height, on that part of the lot marked D on the plan.

The proposal takes into consideration the protection of local heritage item 227, located on the adjoining site at 1 Hague Road. Existing standards and provisions in both the LMDCP2014 Pasmenco Area Plan and *LMLEP2014 cl. 5.10 Heritage Conservation* provide guidance to assess and mitigate potential impacts associated with proposed HoB amendments. To provide additional detailed guidance both for developers and Council assessing staff, additional draft provisions are being considered for inclusion in the post exhibition Draft Cockle Creek Precinct Area Plan. These provisions would assist in the assessment of potential heritage impact on Local Heritage item 227.

#### Additional land areas associated with minor zone errors

There are a number of zone boundary alignment errors on the surrounding land areas. See attachment 1 - for detailed review of land and legislative considerations and proposed zone amendments (Council ref: D10351095). The land areas are small in size and have various zonings that do not appear to line up correctly or logically with lot boundaries. It is considered the proposed changes are of minor significant as they seek to resolve minor mapping errors.

### Post Gateway Determination - Exhibition Version of the Draft planning proposal

The pre – gateway determination version of the draft planning proposal was endorsed by Lake Macquarie City Council on the 19<sup>th</sup> September 2022. The public exhibition version of the draft planning proposal has been updated to address the conditions in the Gateway determination received on the 3<sup>rd</sup> of February 2023.

It should be noted the delegate for the Minister for Planning and Homes has determined:

1. 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, the Gateway determination conditions require consultation with the following public authorities and government agencies:
  - Subsidence Advisory NSW;
  - Environment Protection Authority;
  - Transport for NSW; and
  - Hunter and Central Coast Development Corporation.

Feedback from consultation will be addressed in the Post exhibition planning proposal and report to Council prior to making the LEP on or before the 22 December 2023

2. not to delegate local plan-making authority functions considering the nature of the planning proposal and the public landholdings to which it applies.
3. the inconsistencies of the planning proposal with applicable directions of the Minister under section 9.1 of the Act 4.2 Coastal Management and 4.5 Acid Sulfate Soils are justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.
4. Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act being 1.1 Implementation of Regional Plans, 4.6 Mine Subsidence and Unstable Land, 5.1 Integrating Land Use and Transport and 5.2 Reserving Land for Public Purposes. Council should ensure this occurs prior to the LEP being made.

## **Part 1 – Objectives and intended outcomes**

### **Objective**

The objective of the Planning Proposal is to amend the land use zones and heights on the subject land areas to:

- Achieve a balance between new development and the local heritage item at 1 Hague Road, Boolaroo
- Efficiently utilise ex industrial land located at a key entrance area on the Pasmenco site to increase job opportunity, develop uniquely designed buildings and increase opportunity for public space and facilities

### **Intended outcomes**

The intended outcomes of the Planning Proposal are to amend Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014) in order to:

1. Provide public open space and a small amount of public facilities on part of 144 Munibung Road, BOOLAROO Lot 1012 DP 1270101, to the north of Cressy road.
2. Provide mixed use business opportunities that are consistent with surrounding business zoned land areas on part of 144 Munibung Road, BOOLAROO Lot 1012 DP 1270101, to the south of Cressy Road.
3. Provide development opportunities for unique landmark design qualities and leverage economic opportunities on 146 Munibung Road, Boolaroo Lot 601 DP 1228699
4. Resolve minor zone boundary alignment errors on surrounding land areas over the Pasmenco site to complete the preparation of land for development.

## Part 2 – Explanation of provisions

The proposed objective will be achieved by amending the LMLEP 2014 by:

Amendment Applies to	Explanation of provision
Land Zoning Map	<p>The planning proposal will amend land use zones on 144 Munibung Road Boolaroo, as follows:</p> <ul style="list-style-type: none"> <li>- SP1 Special Activities Hazardous Storage Establishment to B4 Mixed Use located on and to the south of Cressy Road</li> <li>- SP1 Special Activities Hazardous Storage Establishment to RE1 Public Open Space located to the north of Cressy Road and extending to the northern boundary</li> </ul> <p>The planning proposal will also amend land use zones on surrounding land areas to resolve numerous minor zone boundary alignment matters.</p> <ul style="list-style-type: none"> <li>- See attachment 1 for details. Council ref: D10351095.</li> </ul>
Height of Building Map	<p>The planning proposal will amend the HoB map, as follows:</p> <ul style="list-style-type: none"> <li>- 146 Munibung Road Boolaroo - from 13m to 18m.</li> <li>- Part of 144 Munibung Road (south of Cressy Road), Boolaroo from 8.5m to 18m.</li> </ul> <p>The planning proposal will also amend building heights on surrounding land areas associated with resolving numerous minor boundary alignment matters.</p> <ul style="list-style-type: none"> <li>- See attachment 1 for details. Council ref: D10351095.</li> </ul>
Lot Size Map	<p>The planning proposal will also amend lot sizes on surrounding land areas associated with resolving numerous minor boundary alignment matters.</p> <p>See attachment 1 for details. Council ref: D10351095.</p>

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

No.	Question	Considerations
<b>Section A – need for the planning proposal</b>		
1	<b>Is the planning proposal a result of an endorsed</b>	<p>Yes.</p> <p>Recent change in ownership over the Pasmenco land areas has provided opportunity to build on and clarify the role of the Pasmenco site and the intentions for the Munibung Precinct evident in LMLSPS. Both the subsequent</p>

No.	Question	Considerations
	<p><b>LSPS, strategic study or report?</b></p>	<p>reviews of the Pasmenco Planning Framework and Pasmenco Area Plan provided opportunities to further clarify the vision and role of the business, light industrial and open space land areas over the Pasmenco site. As part of both reviews, consultation with the Internal Reference Group, relevant land owners and public agencies noted 144 and 146 Munibung Road, Boolaroo has additional potential to achieve the strategic visions for the area.</p> <p>The proposed amendments are intended to facilitate the achievement of strategic objectives in the LSPS for the Lake Macquarie North West Catalyst Area and Munibung Precinct and objectives in the Draft Cockle Creek Precinct Area Plan (endorsed by Council for public exhibition on the 10th May 2021), where they:</p> <p>drive investment, provide employment opportunities at a range of scales and create vibrant centres where people work, visit and play.</p>
<p><b>2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</b></p>		<p>This Planning Proposal is the best way to achieve the following objectives:</p> <ul style="list-style-type: none"> <li>- provide public open space, public facilities and mixed use business opportunities on 144 Munibung Road;</li> <li>- facilitate unique landmark development that leverages economic opportunities on 146 Munibung Road; and</li> <li>- conserve and contribute to heritage value and quality of local heritage item 227 located on adjoining land at 1 Hague Road.</li> <li>- resolve minor zone boundary errors on land areas over the Pasmenco site to finalise the preparation of land and progress redevelopment of the area.</li> </ul> <p>The approach taken in drafting a planning proposal is consistent with the legislative planning framework set out in the <i>EP&amp;A Act 1979</i></p> <p><i>(in) making an environmental planning instrument, the planning authority is required to prepare a document that explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument (the planning proposal) (EP&amp;A Act cl3.33 (1)).</i></p> <p>It should be noted, alternative height of building provisions were considered for 146 Munibung Road in order to minimise impacts on the adjoining heritage item. There were two distinct options:</p> <p><u>LEP amendment option one</u></p> <p>Retain 13m building height for land within the curtilage of the heritage item on 1 Hague Road, resulting in a split height of 13m and 18m on 146 Munibung Road, Boolaroo</p> <p><u>LEP amendment option two</u></p> <p>Apply an 18m building height across the whole site at 146 Munibung Road, Boolaroo</p> <p>Whilst heritage staff support option 1, this planning proposal (option 2) presents the outcome that will best achieve the objective of land mark economic development of the site. It will also best achieve the vision for the area to be the City’s defining landmark, generating excitement, and attracting visitors, workers and customers from outside of the city.</p> <p>Current provisions under Clause 5.10 of Lake Macquarie Local Environmental Plan will require future development to provide a heritage management</p>



No.	Question	Considerations
		<p>document that addresses potential impacts on the heritage item on 1 Hague Road. In addition, the existing DCP provides heritage standards and supporting Heritage Management and Conservation documents that guide surrounding development and note Local Heritage item 227 specifically.</p> <p>Applying an 18m building height provides the flexibility to consider a greater variety of landmark designs that will be sympathetic to and limit impact on the adjoining heritage item.</p>
<b>Section B – relationship to the strategic planning framework</b>		
<b>3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?</b>		<p><b>Hunter Regional Plan 2041</b></p> <p>The Hunter Regional Plan 2041 has recently come into effect and extends the Hunter Regional Plan 2036 with an intention to reset the priorities to adapt and meet evolving circumstances and strategic intentions.</p> <p>The objective of the HRP 2041 is to deliver a long-term vision for the region with clear objectives and approaches to pursue the vision. The region seeks to continue to be the leading regional economy in Australia, connected to Country with a vibrant metropolitan core. The proposal is consistent with the Strategies within the HRP 2041.</p> <p>Strategy 1.4</p> <p>This Strategy aspires to minimise land use conflicts, biodiversity impacts and locate employment land where it can be adequately serviced and respond to employment needs in the local government area.</p> <p>The proposal is consistent with this strategy as it increases employment opportunity in a location that is close to relevant infrastructure including high speed internet, major transport routes and Cockle Creek railway station. The proposal will increase capacity for the Cockle Creek employment area to achieve diverse economic outcomes that minimise conflict with surrounding employment and commercial areas as well as foster circular economic links with co-located business uses in the adjacent light industrial area.</p> <p>HRP 2041 District planning and growth areas</p> <p>The subject site is located within the Cockle Creek Precinct and the North West Lake Macquarie district growth area. Key outcomes for the precinct include:</p> <ul style="list-style-type: none"> <li>- providing a diversity of jobs in commercial and employment precincts such as retail, tourism, innovative, and knowledge-based industries.</li> <li>- enhancing open spaces and connect the cultural and recreational potential of Munibung Hill.</li> </ul> <p>The HRP 2041 also identifies the land east of Cockle Creek, which incorporates the subject land, as supporting:</p> <ul style="list-style-type: none"> <li>- continued growth in employment, mixed use development, retail, advanced manufacturing, urban services, office and services employment</li> <li>- potential growth of 10 000 people and creation of 6000 jobs</li> <li>- optimising infill development opportunities, enabling flexibility for employment land uses to transition industries into the future, enhancing</li> </ul>

No.	Question	Considerations
		<p>open space and vibrancy of centres, and investing in critical state and local infrastructure</p> <p>The Planning Proposal is consistent with this vision and the overall direction of the Hunter Regional Plan 2041. The proposal will provide additional land for open space and mixed use business opportunities on infill land close to local services and transport infrastructure. See attachment 8 for comprehensive review of Hunter Regional Plan 2041 strategies and performance criteria.</p> <p><b>Greater Newcastle Metropolitan Plan 2036 (GNMP 2036)</b></p> <p>The Greater Newcastle Metropolitan Plan (GNMP) sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which together make up Greater Newcastle.</p> <p>The Plan also helps to achieve the vision set in the Hunter Regional Plan 2036 – for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart.</p> <p>The plan specifically identifies the Munibung Precinct as having the following objective:</p> <ul style="list-style-type: none"> <li>- align local plans to facilitate urban renewal through increased housing density and mixed-use including large format retail and office uses</li> </ul> <p>The Planning Proposal is consistent with GNMP as it will provide additional land areas for mixed use, retail and office uses that are appropriately located close Cockle Creek Railway Station and other business and light industrial zonings.</p>
<p><b>4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan</b></p>		<p><b>Lake Macquarie LSPS</b></p> <p>The proposal delivers on Planning Priority 1 - A city of vibrant centres where people live work and play, Planning Priority 3 – A city of prosperity that attracts investment, creates jobs and fosters innovation and Planning Priority 4 – A city of close connections where people goods and services move efficiently.</p> <p>The LSPS identifies the North West Catalyst Area of Lake Macquarie as a location that will drive investment and change in the broader North West Growth Area. The Munibung Precinct is a strategic location for infill mixed use, residential development, and other employment opportunities to occur in a range of scales.</p> <p>As part of its aspirations for the Cockle Creek/Munibung Precinct, the LSPS identifies the expansion of large format retail, advanced manufacturing, office based jobs and open space within a regionally significant catchment and strategically located to access major freight routes and accessible transport connection.</p> <p>The extension of B4 Mixed Use, addition of RE1 Public Recreation and Height of Building increase, are intended to ensure the economic viability, access to end of trip facilities and landmark opportunities are realised.</p> <p>Additionally, resolving the minor zone errors will finalise the preparation of land and facilitate the efficient management of specific land areas with ongoing care</p>

No.	Question	Considerations
		<p>and maintenance arrangements and ecological responsibilities. It is intended that this will attract investment by reducing barriers to development.</p> <p><b>Community Strategic Plan</b></p> <p>The Community Strategic Plan has a vision to balance our cherished environments with our need for great spaces to live and visit, smart transport options and a thriving economy; which adapt and strive to be fair for all.</p> <p>The rezoning proposal is consistent with the Community Strategic Plan as it optimises land use that will complement the surrounding area without affecting the unique landscape of the area. It develops opportunities for retail and commercial uses that will create local employment and a broader economic base for the City. This satisfies the following objectives:</p> <p>Unique Landscape</p> <p><i>New development and growth compliments our unique character and sense of place.</i></p> <p>5. The proportion of people living and working in, and adjacent to our town centres is increasing</p> <p>Diverse Economy</p> <p><i>Our growing population supports a thriving local economy</i></p> <p>5. The proportion of people that live and work within the City is increasing</p> <p>Pasminco Area Plan (Lake Macquarie Development Control Plan 2014)</p> <p>The existing Pasminco Area Plan LMDCP2014 provides general guidance, a structure plan and detailed objectives and standards for specific locations and considerations over the Pasminco site. While recent rezonings and ownership arrangements have changed the intent of certain land areas, the document provides the foundation that guides and supports the draft LEP Amendments in:</p> <ul style="list-style-type: none"> <li>- Section 2 Desired future Character where it <ul style="list-style-type: none"> <li>o integrates future development into the existing urban and natural environment</li> <li>o reinforces the existing character of Main Road and the village of Boolaroo</li> <li>o retains and enhances the scenic amenity and significance of Munibung Hill</li> </ul> </li> <li>- Section 5 Employment Lands where it ensure(s) development on employment related land does not result in unacceptable amenity impacts on surrounding residential or conservations areas</li> <li>- <i>Section 7</i> Heritage conservation and interpretation where it details specifies heritage objectives and controls regarding Local Heritage Item 227, assessment documents to be submitted with development applications and reference details for <i>Heritage Interpretation Plan</i></li> </ul>

No.	Question	Considerations
		<p data-bbox="624 371 1434 432"><i>and the Conservation Management Plan - Former Sulphide Corporation Assay Building (Brooks, 2009)</i></p> <p data-bbox="501 454 1434 544">For reference purposes, a copy of the current Pasmaico Area Plan can be viewed or downloaded from councils webpage <a href="#">Local Planning Controls - Lake Macquarie City Council</a></p> <p data-bbox="501 566 1434 627">Draft Cockle Creek Area Plan (Lake Macquarie Development Control Plan 2014)</p> <p data-bbox="501 649 1434 799">As noted in other sections of the draft PP, the Draft Cockle Area Precinct Area Plan was exhibited between 11 May to 7 June 2021. While minor changes are being prepared and will be part of the final version to be reported to Council for consideration, the exhibition version is both consistent and supportive of the draft LEP Amendments where it:</p> <ul data-bbox="576 822 1434 1182" style="list-style-type: none"> <li>- Retains existing and relevant heritage objectives, controls and reference documents that assist in merit assessment of future development considered within the curtilage or potentially impacting Local Heritage Item 227</li> <li>- Provides additional clarification for the vision and role of the land areas subject to the draft PP particularly with regard to               <ul style="list-style-type: none"> <li>o driving investment,</li> <li>o providing employment opportunities at a range of scales and</li> <li>o creating vibrant centres where people work, visit and play.</li> </ul> </li> </ul> <p data-bbox="501 1205 1434 1355">In addition to Council's previous endorsement for exhibition, the strategic vision in the exhibited draft Cockle Creek Precinct Area Plan is supported and builds on intentions for the Munibung Precinct evident in the LSPS as well as outcomes in the recent reviews of the Pasmaico Planning Framework and the Pasmaico Area Plan.</p> <p data-bbox="501 1377 1434 1505">As previously noted, outlining the nexus between the subject land areas and the relevance of strategic intentions for the area, the Draft Area Plan supports the potential for business and light industrial zoned land to be innovative, diverse and feature landmark qualities that attract regional attention.</p>
<p data-bbox="165 1541 432 1809"><b>5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?</b></p>		<p data-bbox="501 1541 1434 1601">The draft planning proposal is consistent with the Future Transport Strategy 2056 as it:</p> <ul data-bbox="576 1601 1434 1809" style="list-style-type: none"> <li>- supports the potential of existing infrastructure located within walking distance of the subject area</li> <li>- enhances liveability and supports thriving places in co-locating mixed use business in close proximity to light industrial and residential areas. The subject sites are part of the wider catalytic urban renewal project located at the former Pasmaico heavy industrial site.</li> </ul>

No.	Question	Considerations
6	<p><b>Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?</b></p>	<p>The Planning Proposal is consistent with the following relevant State Environmental Planning Policies (SEPPs).</p> <p>Additionally, attachment 1 provides details for the minor zone amendments that address relevant State Environmental Planning Policies.</p> <p><b>SEPP (Resilience and Hazards) 2021 Chapter 4</b></p> <p>Chapter 4 establishes planning controls and provision for the remediation of contaminated land.</p> <p>Remediation of the Pasminco Cockle Creek Smelter (PCCS) site was approved by the DPIE (under delegation of the minister for planning). The approval was for the remediation of the PCCS and Incitec site, which included the construction of a containment cell. A number of site audit reports and site audit statements have been prepared for the Pasminco site as remediation has progressed, including for the land subject to this planning proposal.</p> <p>146 Munibung Road, BOOLAROO - Lot 601 DP 1228699 is subject to Site Audit Statement GN 416-20 and 144 Munibung Road, BOOLAROO - Lot 1012 DP 1270101 is subject to Site Audit Statement GN416 – 22. Both SAS's certify the sites are suitable for the following uses:</p> <ul style="list-style-type: none"> <li>- Residential</li> <li>- Day care pre school and primary</li> <li>- Secondary school</li> <li>- Park, recreation open space and playing field</li> <li>- Commercial/industrial</li> </ul> <p>Both HCCDC and the Waste Asset Management Corporation (WAMC) have confirmed Lot 1012 DP 1270101 (formerly site H) has been excised from the contamination declaration order number 21027, management order number 23008 and is not required for ongoing management or monitoring of contaminated materials</p> <p>Some of the smaller zone amendments include rezoning land around the Containment Cell to ensure the SP1 zone is consistent with the Containment Cell lot boundary. This will ensure that all contaminated lands are consistent with the SP1 zone and special hazardous uses and special hazardous uses as well as relevant Site Audit Statements and Environmental Management Plans..</p> <p>Internal consultation supports that a review of the relevant SAS's associated with the minor zone amendments is a suitable approach to confirming the proposed minor zone amendments are consistent with chapter 4 SEPP (Resilience and Hazards) 2021. On review of the relevant SAS's, all permitted uses are consistent with the proposed minor zone amendments (see attachment 1 for details).</p> <p>The planning proposal is consistent with Chapter 4 this SEPP</p>

No.	Question	Considerations
		<p><b>SEPP (Resilience and Hazards) 2021 Chapter 2</b></p> <p>The aim of Chapter 2 is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016.</p> <p>Part of the site is within the Coastal Environment Area as defined by the SEPP, consideration must be given to Clause 13 of the SEPP prior to the granting of development consent. The proposal is inconsistent with this direction as it seeks to intensify and increase development on land within a Coastal Environmental Area.</p> <p><b>The inconsistency is justified</b> as it seeks a minor adjustment to existing business zoned land and is supported by regional and district strategic plans</p> <p><b>SEPP (Transport and Infrastructure) 2021</b></p> <p>The aim of Chapter 2 is to facilitate the effective delivery of infrastructure across the State.</p> <p>The proposed rezoning will allow for the development of commercial premises on the land. These are identified to be traffic generating development under the SEPP.</p> <p>Consultation with TfNSW may be required to occur following the Gateway determination.</p> <p>Advice received from TfNSW regarding pre-lodgement assessment LEP Amendment Referral for Lot 1006 DP 1270101, 128 Munibung Road Boolaroo, identified TfNSW is happy to share the base model undertaken as part of its recent Speers Point to Glendale traffic study for the purpose of preparing a TIA. During public agency consultation with TfNSW as part of the Gateway determination stage, if a TIA is found necessary, staff request similar use of the Speers Point to Glendale traffic study.</p> <p>It is <b>recommended that consultation with TfNSW</b> occur following the Gateway determination.</p>
<p><b>7 Is the planning proposal consistent with the applicable Ministerial Directions (section 9.1 Directions)?</b></p>		<p>An assessment of the Planning Proposal and its consistency against the applicable Ministerial Directions is provided at Table 2 below.</p> <p>Additionally, attachment 1 provides details for the minor zone amendments that address relevant Ministerial Directions.</p> <p><b>1.1 Implementation of Regional Plans</b></p> <p>The Draft PP is consistent with the Hunter Regional Plan 2041. The plan applies to the lower hunter, Lake Macquarie North West Catalyst Area and the Cockle Creek Precinct. The proposed LEP amendment supports the achievements of these plans in:</p> <ul style="list-style-type: none"> <li>- locating open space and mixed use business opportunities on infill land close to local services, telecommunications and transport infrastructure.</li> <li>- Creating opportunity for unique design that enhances the vibrancy of urban centres</li> </ul>

No.	Question	Considerations
		<p>The draft PP is <b>consistent</b> with this direction.</p> <p><b>1.3 Approval and Referral Requirements</b></p> <p>The Draft PP is consistent with this direction as it does not require concurrence requirements.</p> <p><b>1.4 Site Specific Provisions</b></p> <p>This direction does not apply to the planning proposal as no site specific provisions are proposed.</p> <p><b>3.1 Conservation Zones</b></p> <p>This direction does not apply to the planning proposal.</p> <p><b>3.2 Heritage Conservation</b></p> <p>The proposal is in the vicinity of the 'old laboratory building' listed as a local heritage item in LMLEP2014. Future development or erection of a building on 146 Munibung Road, Boolaroo would be subject to provisions in the EP&amp;A Act 1979 cl 4.15 (b) as it refers to heritage impacts considered a built environmental impact, in addition to, LMLEP2014 cl. 5.10 Heritage Conservation. Development controls regarding the significance and curtilage of the building are evident in the existing Pasminco Area Plan DCP2014 Section 7 Heritage Conservation.</p> <p>While heritage staff have concerns with the proposed 18 m building height provisions, the existing LMLEP 2014 and LMDCP 2014 provisions and standards provide protection and conservation of the local heritage item. The proposal is <b>not inconsistent</b> with the objectives of the direction.</p> <p><b>4.1 Flooding</b></p> <p>This direction does not apply to the planning proposal as the subject land area is not identified as flood prone land.</p> <p><b>4.2 Coastal Management</b></p> <p>The proposal is inconsistent with this direction as it seeks to intensify and increase development on land within a Coastal Environmental Area. <b>The inconsistency is justified</b> as it seeks a minor adjustment to existing business zoned land and is supported by regional and district strategic plans. Delegate of the Secretary has agreed that the inconsistency is justified in accordance with the terms of the Direction.</p> <p><b>4.3 Planning for Bushfire Protection</b></p> <p>This direction does not apply to the planning proposal as the subject land area is not identified as bushfire prone land.</p> <p><b>4.4 Remediation of Contaminated Land</b></p> <p>Remediation of the Pasminco Cockle Creek Smelter (PCCS) site was approved by the DPIE (under delegation of the minister for planning). The approval was for the remediation of the PCCS and Incitec site, which included the construction of a containment cell. A number of site audit reports and site audit statements have been prepared for the Pasminco site as remediation has progressed, including for the land the subject of this planning proposal. 146 Munibung Road, BOOLAROO - Lot 601 DP 1228699 is subject to Site Audit Statement GN 416-20 and 144 Munibung Road, BOOLAROO - Lot 1012 DP</p>

No.	Question	Considerations
		<p>1270101 is subject to Site Audit Statement GN416 – 22. Both SAS's certify the sites are suitable for the following uses:</p> <ul style="list-style-type: none"> <li>- Residential</li> <li>- Day care pre school and primary</li> <li>- Secondary school</li> <li>- Park, recreation open space and playing field</li> <li>- Commercial/industrial</li> </ul> <p>Both HCCDC and the Waste Asset Management Corporation (WAMC) have confirmed No 144 Lot 1012 DP 1270101 Munibung Road (formerly site H) has been excised from the contamination declaration order number 21027, management order number 23008 and is not required for ongoing management or monitoring of contaminated materials</p> <p>Some of the smaller zone amendments include rezoning land around the Containment Cell to ensure the SP1 zone is consistent with the Containment Cell cadastre lot boundary. This will ensure that all contaminated lands are consistent with the SP1 zone and special hazardous uses as well as relevant Site Audit Statements and Environmental Management Plans.</p> <p>Internal consultation supports that a review of the relevant SAS's associated with the minor zone amendments is a suitable approach to confirming the proposed minor zone amendments are <b>consistent</b> with ministerial direction 4.4. On review of the relevant SAS's, all permitted uses are consistent with the proposed minor zone amendments (see attachment 1 for details).</p> <p>The planning proposal is <b>consistent</b> with this direction.</p> <p><b>4.5 Acid Sulfate Soils</b></p> <p>The site is identified as Class 5 for acid sulfate soils and the zone change from SP1 to B4 will intensify land uses. As the Draft PP does not provide <i>an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils</i>, the planning proposal is <b>inconsistent</b> with this direction.</p> <p>It is interpreted that the inconsistency is of <b>minor significant</b>s, and/or <b>justified</b>, as the draft amendments seek a minor adjustment to existing business zoned land and supported by regional and district strategic plans.</p> <p>It should also be noted that Council's LEP and DCP already contain appropriate controls to ensure acid sulphate soil potential impacts are avoided and or mitigated.</p> <p>Delegate of the Secretary has agreed that the inconsistency is justified in accordance with the terms of the Direction.</p> <p><b>4.6 Mine Subsidence and Unstable Land</b></p> <p>The proposal is within a proclaimed Mine subsidence district. <b>Consultation with the Mine Subsidence Board is required and recommended</b> at Gateway determination stage.</p> <p>Given the short timeframe to finalise the LEP amendment (22 December 2023) Council is seeking consultation concurrently with/during the public exhibition period.</p> <p><b>5.1 Integrating Land Use and Transport</b></p> <p>The proposal is <b>consistent</b> with the direction as the site is directly adjacent to an existing B4 zone and is within close proximity to Cockle Creek Railway station, pedestrian and cycling infrastructure.</p>



No.	Question	Considerations
		<p>Gateway determination has recommended consultation occur with Transport for NSW. Given the short timeframe to finalise the LEP amendment (22 December 2023) Council is seeking consultation concurrently with/during the public exhibition period.</p> <p><b>5.2 Reserving Land for Public Purposes</b></p> <p>This <b>direction applies</b> as the planning proposal seeks to amend the land use zone from SP1 Special Activities to RE1 Public Open Space and does not yet have the approval of the Director General DPIE.</p> <p>Although previous consultation with government authorities managing the site found rezoning the land area between the Containment Cell and Cressy Road at 144 Munibung Road was supported, ongoing ownership arrangements have not been resolved. Given the location is central and adjacent to a significant movement corridor and the land area is small and oddly shaped limiting opportunity for development, it is recommended Gateway Determination include referral to the state agency managing the land - Hunter &amp; Central Coast Development Corporation and recommend the best use of the land area is to be managed by Council for public open space uses.</p> <p>It is anticipated that any potential for reduction in total divestment funds would be mitigated or offset through the increase in land value surrounding the site as a result of the benefits associated with well-located and serviced public spaces. Gateway determination has recommended consultation with Hunter &amp; Central Coast Development Corporation and the Environmental Protection Authority. Following consultation, approval of the Planning Secretary will be sought.</p> <p>Given the short timeframe to finalise the LEP amendment (22 December 2023) Council is seeking consultation concurrently with/during the public exhibition period.</p> <p><b>6.1 Residential Zones</b></p> <p>This <b>direction applies</b> as the planning proposal seeks to amend land use zones to R2 Low Density Residential. R2 zone amendments are associated with the minor zone corrections detailed in attachment 1.</p> <p>In sum, it is interpreted that the R2 amendments are <b>consistent</b> as they seek minor adjustment to correct and align zone boundaries with relevant lot boundaries.</p> <p>The changes are consistent with land use intensions in the LSPS, Pasminco Area Plan, relevant Environmental Management Plans and Site Audit Statements.</p> <p><b>7.1 Business and Industrial Zones</b></p> <p>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p> <p>The proposal seeks to extend existing business zoned land and is supported by local and regional planning policy. The proposal is <b>consistent</b> with the objectives of the direction.</p> <p><b>8.1 Mining, Petroleum Production and Extractive Industries</b></p> <p>The subject land areas are not identified in any local or state government planning documents for Mining, Petroleum Production and Extractive Industries.</p>

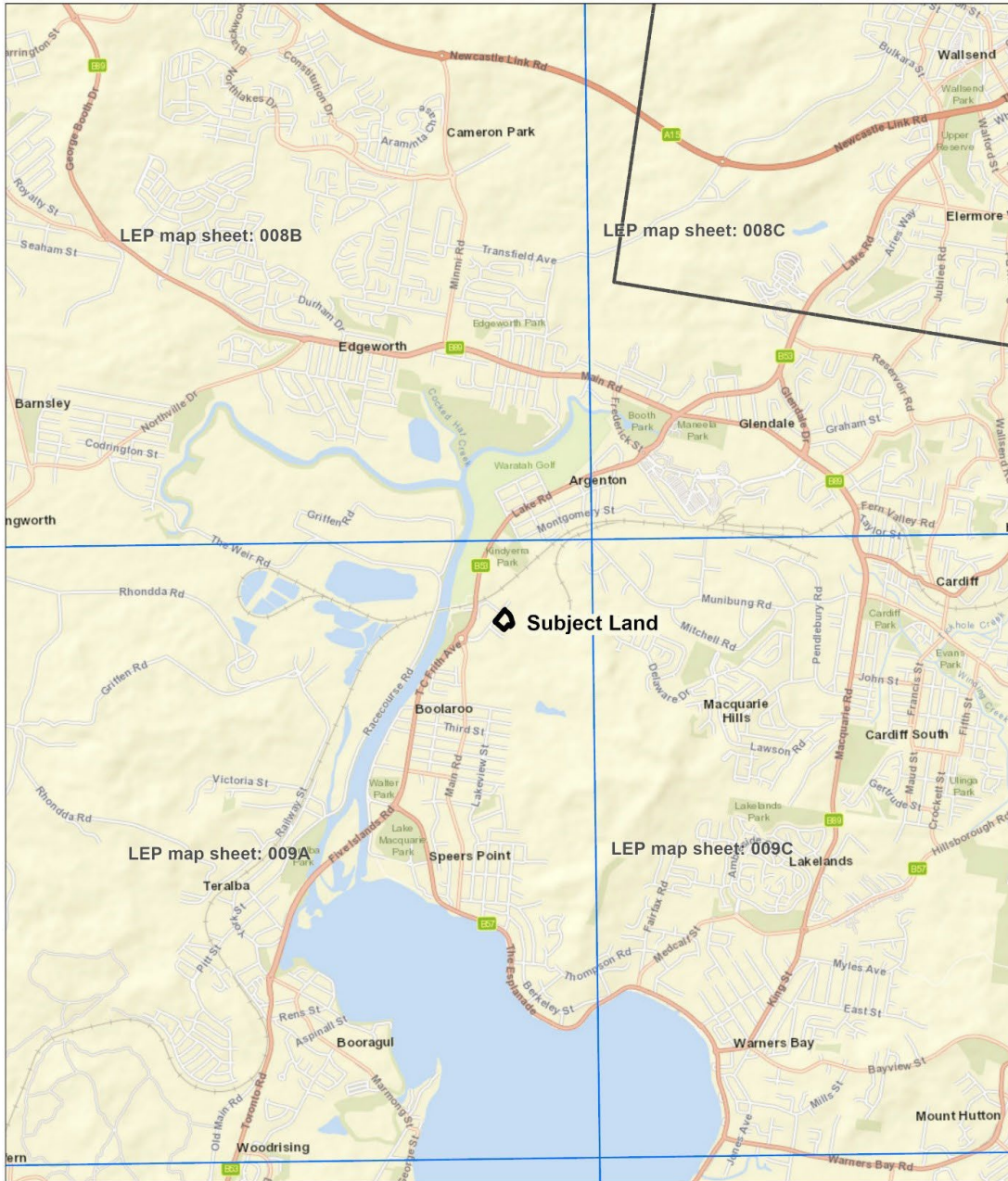
No.	Question	Considerations
The proposal is <b>consistent</b> with the objectives of the direction.		
<b>Section C – environmental, social and environmental impact</b>		
<b>8</b>	<b>Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?</b>	<p><u>146 and 144 Munibung Road, Boolaroo</u></p> <p>These sites are remediated and previously cleared of all vegetation that might support ecological communities. Assuming that the land areas are developed in the future with appropriate stormwater management and remain consistent with the various constraints applied to the land in the relevant Site Audit Statements, it is not anticipated that the planning proposal will impact environmental considerations.</p> <p>The proposed intensification of land use logically identifies dense economic and mixed uses on infill land close to public transport and services. This will (to an extent) limit the need for additional greenfield development for these uses in other parts of the Lake Macquarie LGA.</p> <p>All sites are subject to the Remedial Action Plan for the PCCS site and Site Audit Statement’s (SAS) that specify the land areas are suitable for Park, recreational open space, playing field and Commercial/Industrial.</p> <p><u>Minor zone changes</u></p> <p>The amendments identified in attachment 1 (Council Ref: D10351095) more appropriately identify zones to be consistent with property boundaries in both public and private ownership. This includes changing zones to be more consistent with environmental and ecological areas where the boundary meets other alternatively zoned land areas. It is anticipated this will retain and support ecological outcomes in relevant areas over the site.</p>
<b>9</b>	<b>Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?</b>	<p>Early in the investigation it was noted that proposed increases in HoB have potential to impact local heritage item 227. As noted in Part 3 Section A Question 2 the internal consultation process considered two LEP Amendment options to resolve concerns regarding potential for heritage impact due to HoB increases on 146 Munibung Road.</p> <p>The preferred LEP amendment option two provides greater design flexibility whilst relying on current provisions in LMLEP 2014 to limit impacts on the adjoining heritage item. Both the <i>EP&amp;A Act 1979</i> and <i>LMLEP2014 cl5.10</i> are relevant and considered capable of identifying, considering, mitigating and determining the degree and potential for impact without the need for additional height constraints considered in LEP Amendment option one.</p>
<b>10</b>	<b>Has the planning proposal adequately addressed any social and economic effects?</b>	<p><u>Social</u></p> <p>The proposed rezoning will facilitate an expansion of land zoned B4 Mixed Use, offering greater access to local retail and other services and a reduction in the need to travel to other centres.</p> <p>Current provisions under clause 5.10 of LMLEP 2014 and provisions being drafted for inclusion in the draft Cockle Creek Precinct Area Plan will protect the adjoining heritage item. These provisions will guide future development on 146 Munibung Road, Boolaroo to retain the landmark and character features of the heritage building further supporting the social and cultural capital of the</p>

No.	Question	Considerations
		<p>area. Additional controls in the Draft Area Plan will also ensure that future development is comprehensively assessed to the satisfaction of Council staff.</p> <p>The proposed rezoning will facilitate additional land for public recreation in a key location on the Pasmenco site. This will provide the opportunity to establish a small amount of end of trip facilities as well as visitor information services for both the economic/retail and environmental areas of the Pasmenco/Cockle Creek Precinct</p> <p><u>Economic</u></p> <p>Economic benefits in the area are associated with greater commercial/retail and service potential as well as greater employment opportunities for local people. The proposed rezoning will result in a minor net increase of employment land in a strategic location within the North West Catalyst Area. The B4 Mixed Use zone facilitates land uses that are generally complimentary to traditional town centres and retail centres.</p> <p>Furthermore, the development will provide jobs during construction as well as a diversity of employment opportunities beyond what is likely if the zones and height were to be retained.</p>
<b>Section D – Infrastructure (Local, State and Commonwealth)</b>		
<b>11 Is there adequate public infrastructure for the planning proposal?</b>	<p>The planning proposal is located within close proximity to existing infrastructure such as public transport, major roadways and has access to most utilities. It is not expected that the proposed rezoning will place significant additional demand on public infrastructure, services or utilities. Extensive consultation with infrastructure, utility and services and other relevant public authorities has been undertaken as part of previous rezoning's and development on the PCCS site (e.g. Bunnings and Costco).</p>	
<b>Section E – State and Commonwealth interests</b>		
<b>12 What are the views of state and federal authorities and government agencies consulted in order to inform the Gateway determination?</b>	<p>Consultation with State and Commonwealth public authorities will be determined as part of the Gateway determination. It is recommended that consultation be held with the following authorities:</p> <ul style="list-style-type: none"> <li>- The Secretary of the Department of Planning and Environment regarding consistency with Directions 1.1 and 5.2</li> <li>- Subsidence Advisory NSW regarding consistency with Direction 4.2</li> <li>- The Commissioner of the NSW Rural Fire Service regarding consistency with Direction 4.4</li> <li>- The Environmental Protection Authority</li> <li>- Transport for NSW</li> <li>- Hunter Central Coast Development Corporation</li> </ul> <p>Early consultation with the <i>Department of Planning, Infrastructure and Environment</i> occurred as part of the submission of the previous planning proposal for Site H (PP 2021 – 1024). PP 2021 – 1024 has since been removed from Gateway consideration, see attachment 4 for details (Council Ref: D10455705) as a result of a number of unresolved matters, see attachment 3 (Council Ref: D10036773).</p>	

No.	Question	Considerations
		<p>As the site has progressed these matters have been resolved through land ownership transfers, evolving legislative framework and completion of both the Containment Cell and remediation process.</p> <p>Early consultation with a number of government agencies including the Hunter and Central Coast Development Corporation and The NSW Waste Asset Management Corporation, has also occurred as part of both the development of the Draft Cockle Creek Area Plan and the review of the Pasmenco Planning Framework.</p> <p>Given this early consultation it is anticipated that this planning proposal is consistent with the strategic objectives of the relevant authorities and key stakeholders.</p>

# Part 4 – Mapping

## Map 1 – Locality



Subject Land

### Locality

0 2  
Kilometres


N

Projection GDA 1994  
Zone 56

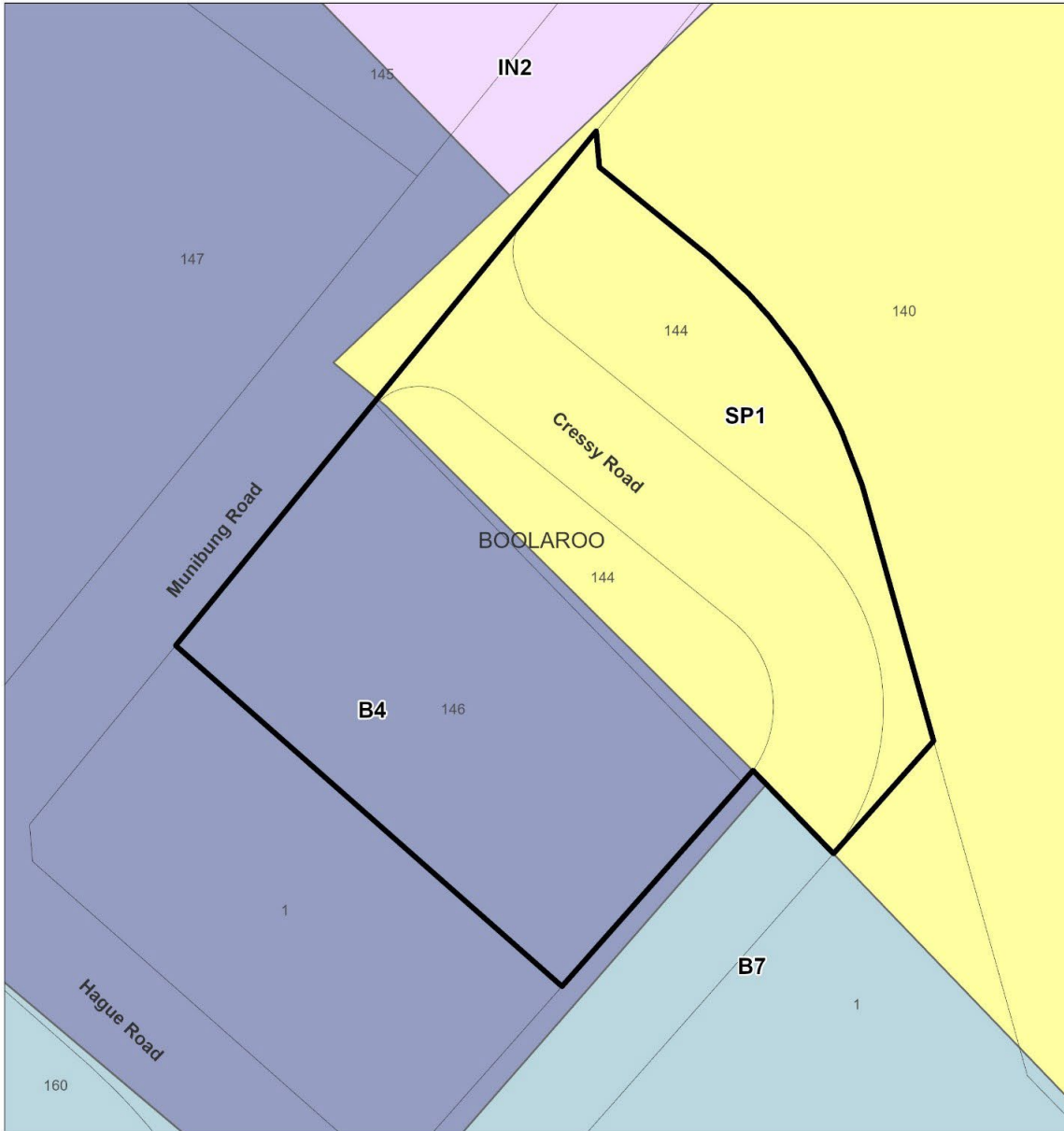
Base Map Credits: World\_Street\_Map: Esri, HERE, Garmin, NGA, USGS  
Date: 27/09/2021    Planning Proposal: RZ/1/2014 Swansea Bowling Club

**Map 2 – Aerial Photo**



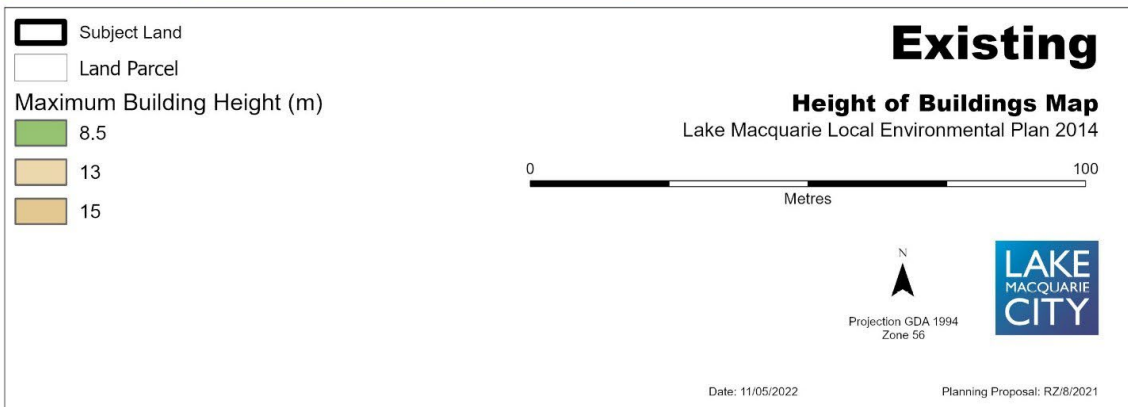
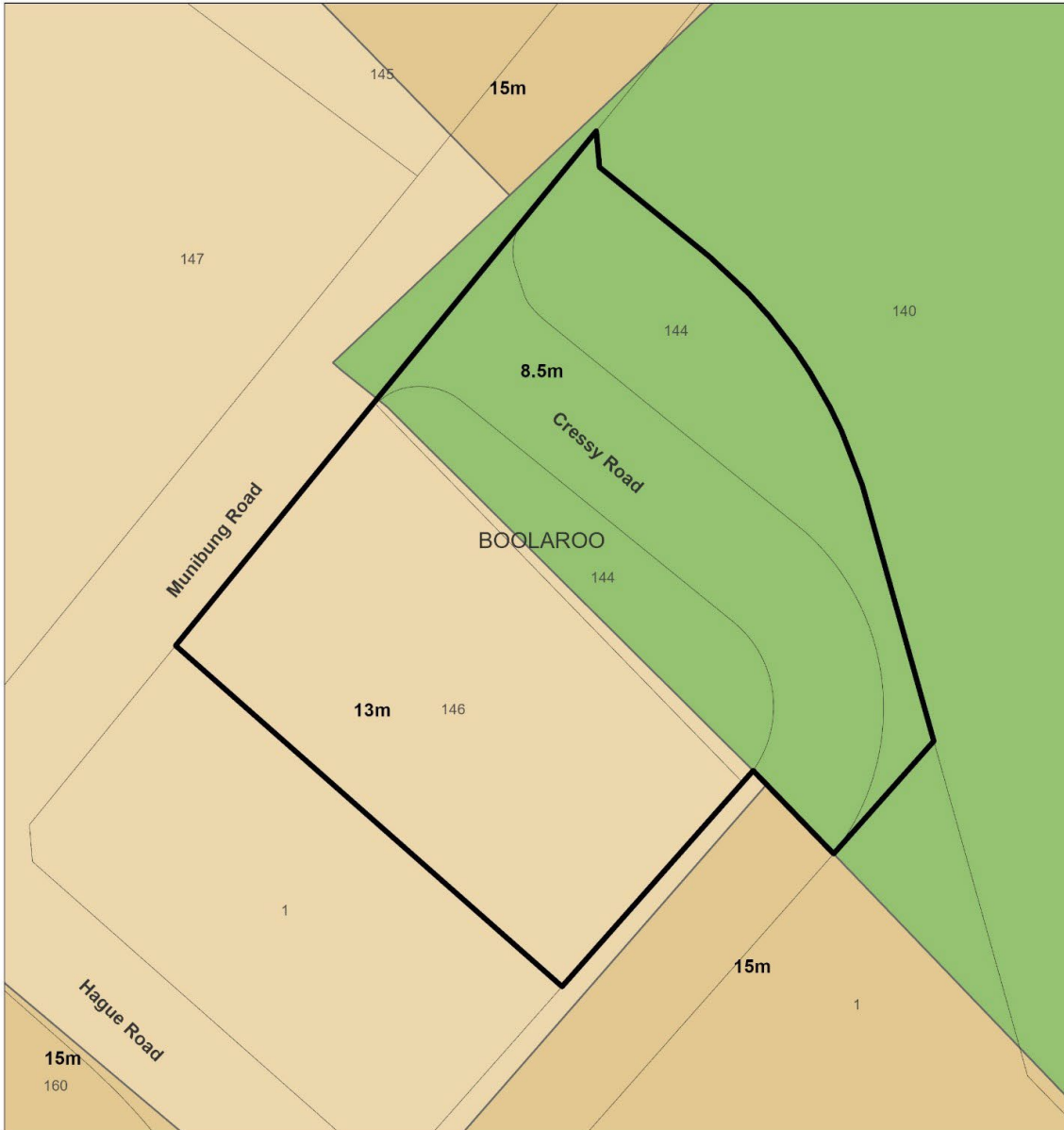
<p>Land Parcel</p> <p>Subject Land</p>	<p><b>Air Photo</b></p> <p><b>2021 Aerial Photography</b></p> <p>Nearmap Imagery 2021</p>
<p>0 <span style="float: right;">100</span></p> <p>Metres</p>	
<p>N</p> <p>Projection GDA 1994 Zone 56</p> 	
<p>Date: 27/09/2021</p> <p>Planning Proposal: RZ/8/2021</p>	

**Map 3 – Existing Land Zone under LMLEP 2014**



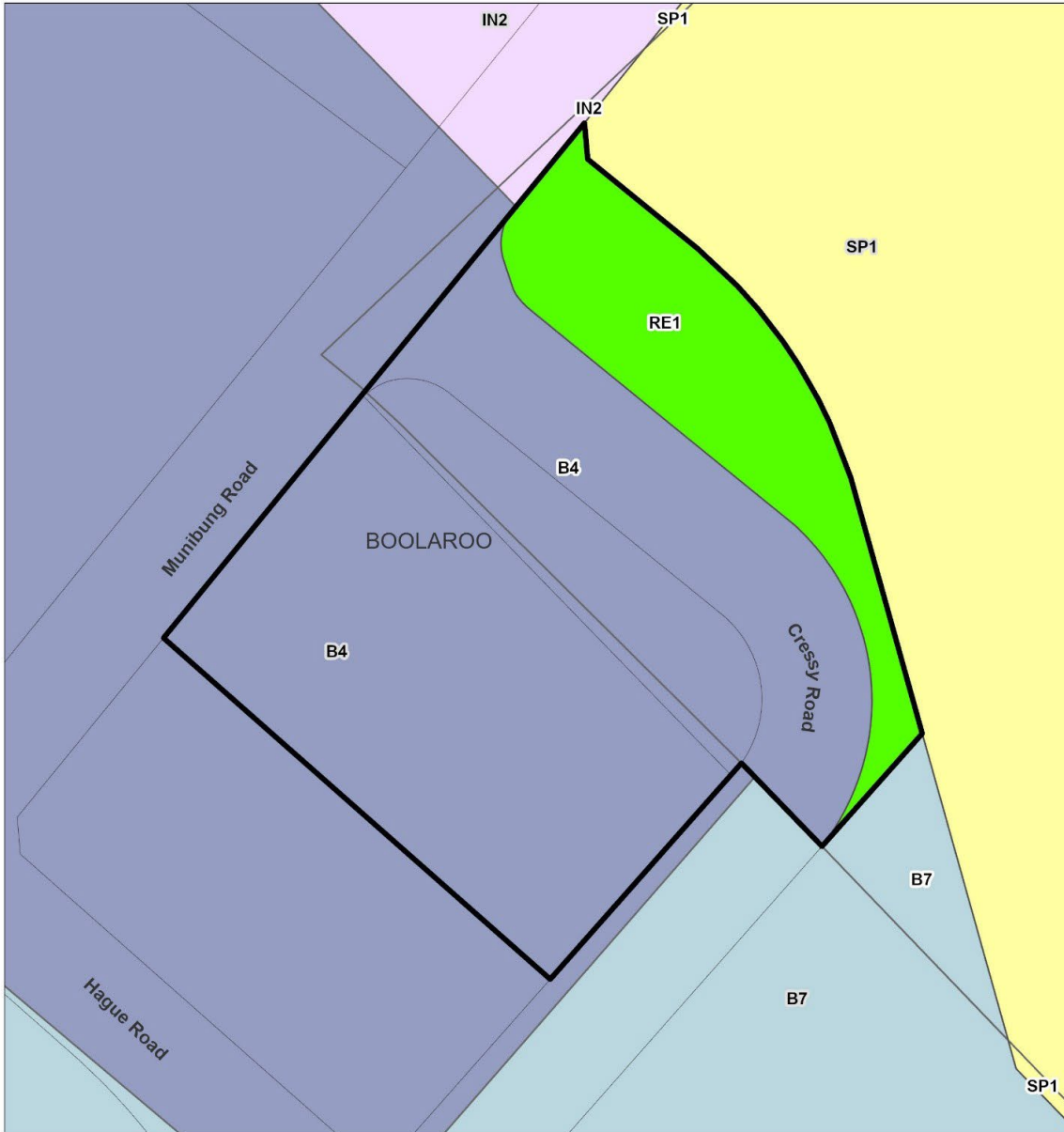
Subject Land	<b>Existing</b>
Land Parcel	
<b>Land Zoning</b>	
B4 Mixed Use	<b>Land Zoning Map</b> Lake Macquarie Local Environmental Plan 2014
B7 Business Park	
IN2 Light Industrial	
SP1 Special Activities	
Projection GDA 1994 Zone 56	
Date: 11/05/2022      Planning Proposal: RZ/8/2021	

**Map 4 – Existing Height of Building under LMLEP 2014**



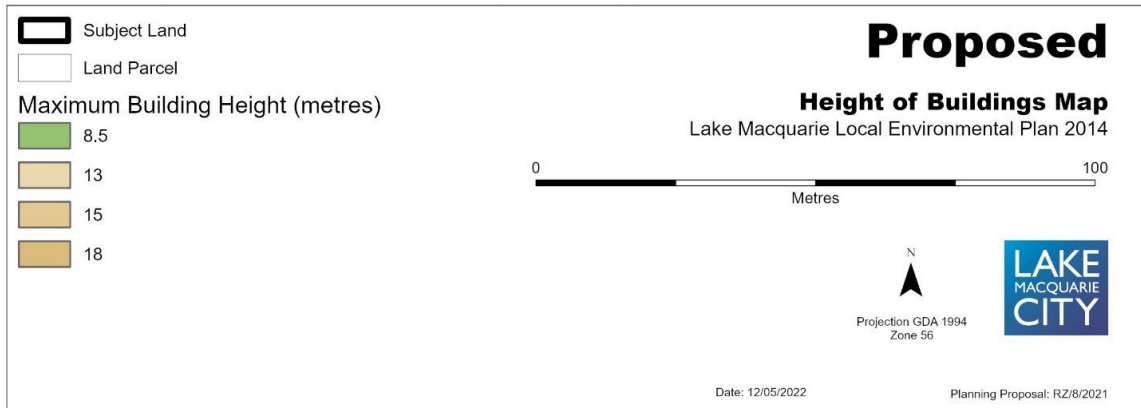
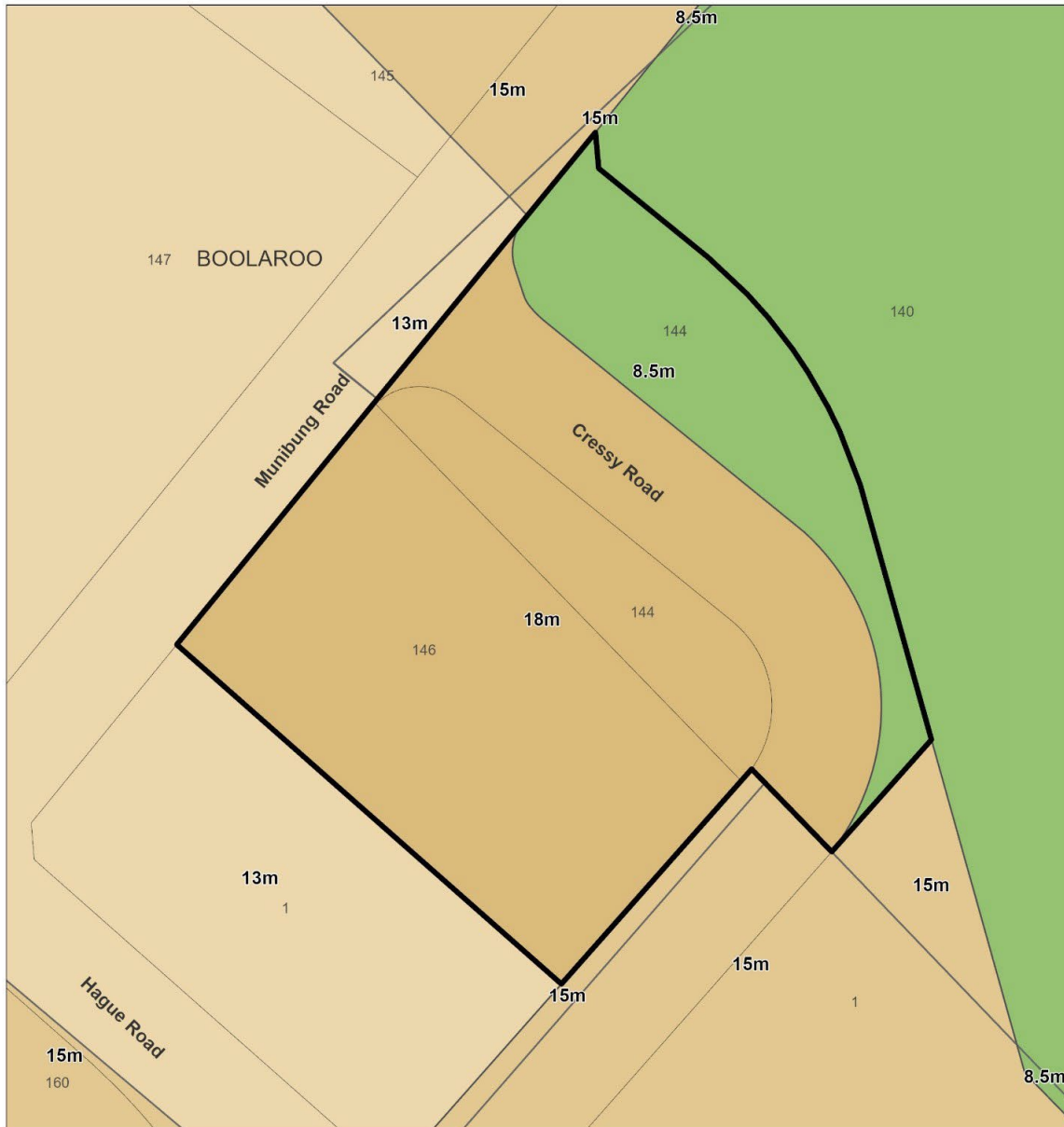


**Map 5 – Proposed Land Zone under LMLEP 2014**

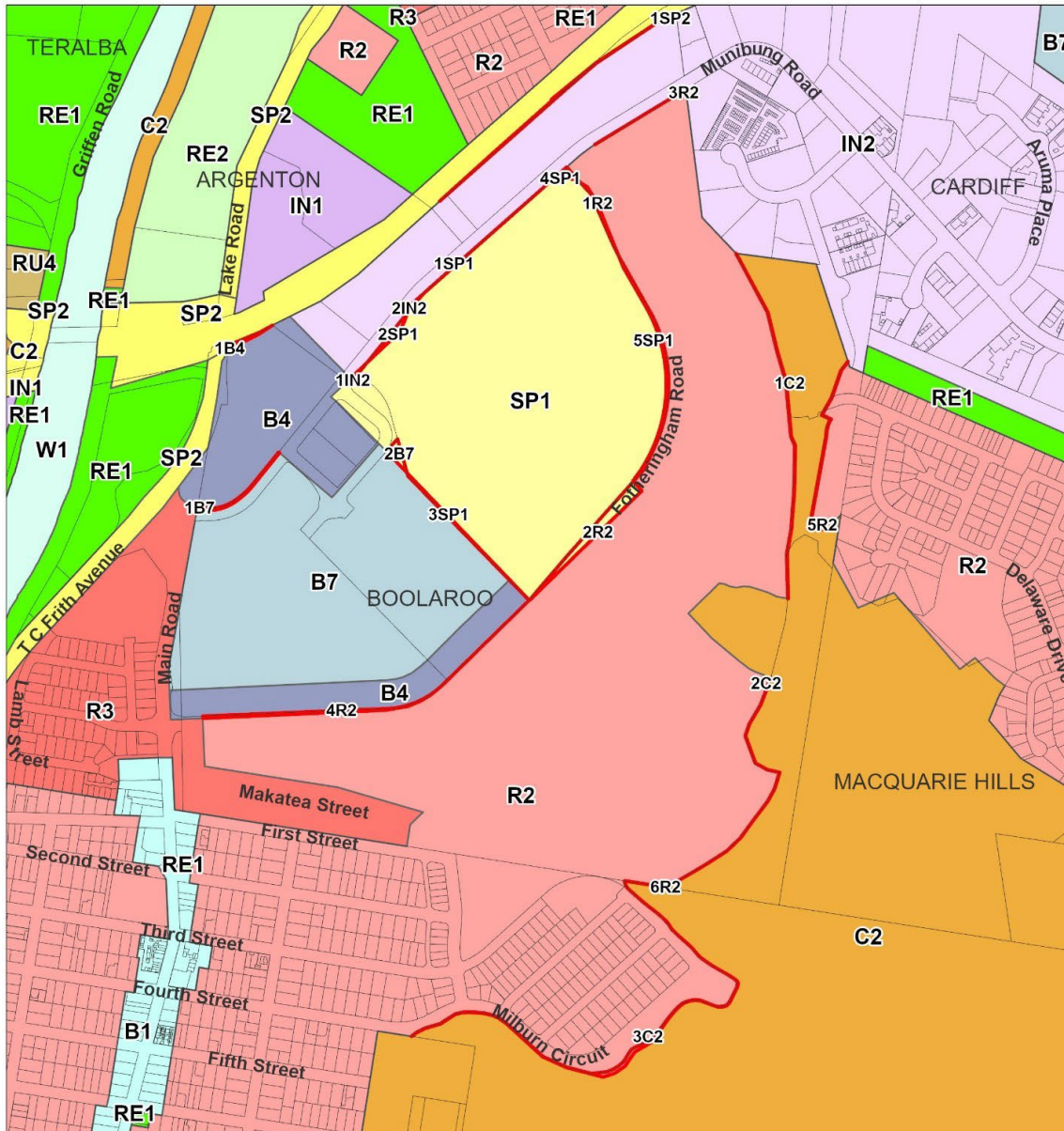


<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Land Parcel</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 2px solid black; margin-right: 5px;"></span> Subject Land</li> <li><b>Land Zoning</b></li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #4a69bd; margin-right: 5px;"></span> B4 Mixed Use</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #a6c9e0; margin-right: 5px;"></span> B7 Business Park</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #d8bfd8; margin-right: 5px;"></span> IN2 Light Industrial</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #00ff00; margin-right: 5px;"></span> RE1 Public Recreation</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff00; margin-right: 5px;"></span> SP1 Special Activities</li> </ul>	<p style="text-align: right;"><b>Proposed</b></p> <p style="text-align: right;"><b>Land Zoning Map</b></p> <p style="text-align: right;">Lake Macquarie Local Environmental Plan 2014</p> <div style="text-align: center;"> <p>0 <span style="display: inline-block; width: 150px; border-bottom: 1px solid black; margin: 0 5px;"></span> 100</p> <p>Metres</p> </div> <div style="text-align: center;"> <p>N</p> <p>Projection GDA 1994 Zone 56</p> </div> <div style="text-align: right;"> </div> <p style="font-size: small;">Date: 27/09/2021 Planning Proposal: RZ/8/2021</p>
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**Map 6 – Proposed Height of Building under LMLEP 2014**



Map 7 – Minor Zone Amendments - Location & Item Codes



Land Parcel	R2 Low Density Residential
Subject Land	R3 Medium Density Residential
<b>Land Zoning</b>	RE1 Public Recreation
B1 Neighbourhood Centre	RE2 Private Recreation
B4 Mixed Use	RU4 Primary Production Small Lots
B7 Business Park	SP1 Special Activities
C2 Environmental Conservation	SP2 Infrastructure
IN1 General Industrial	W1 Natural Waterways
IN2 Light Industrial	

## Existing

### Land Zoning Map

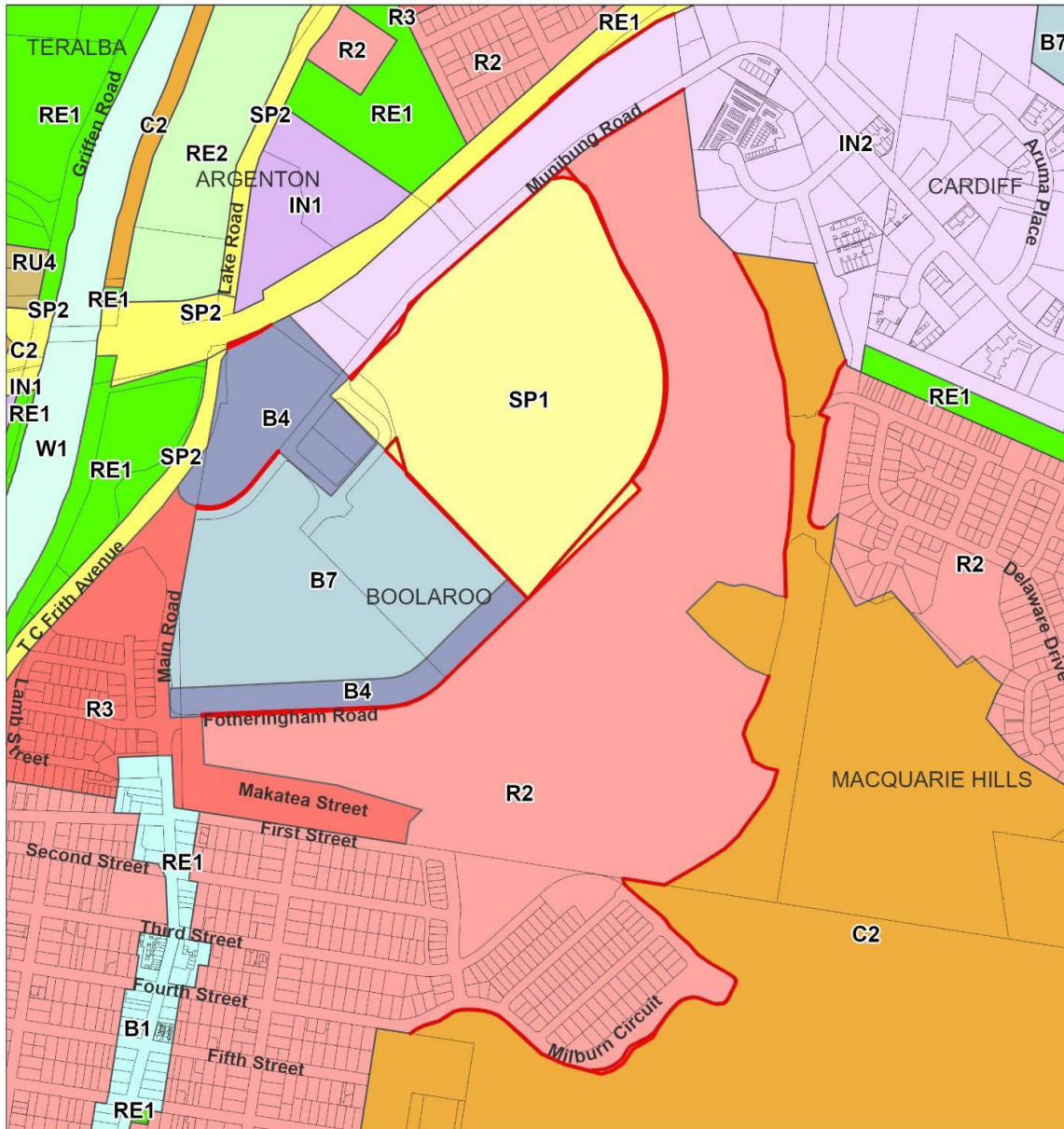
Lake Macquarie Local Environmental Plan 2014

0 400  
Metres

N  
Projection GDA 1994  
Zone 56

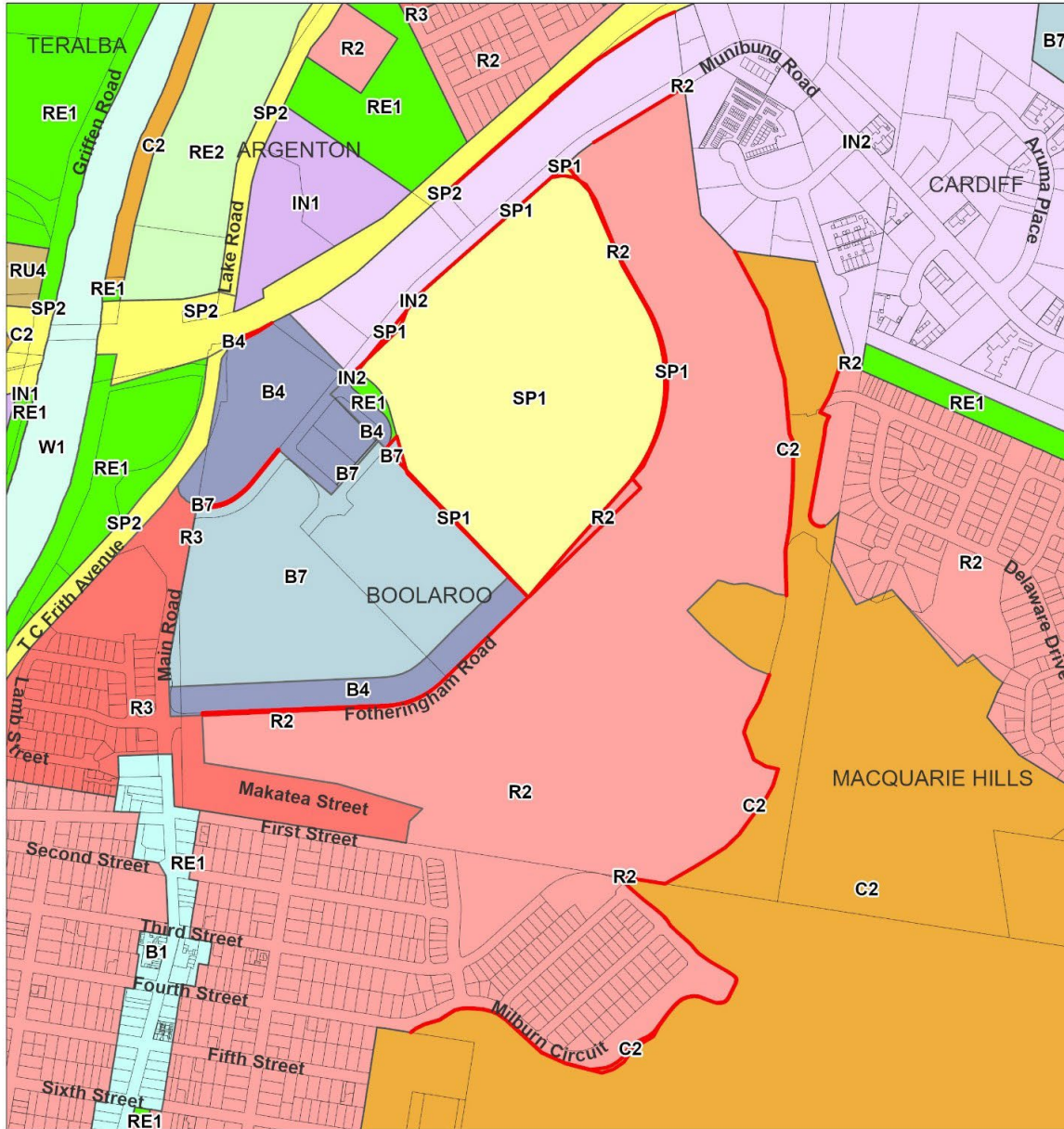
Date: 11/05/2022    Planning Proposal: RZ/8/2021

Map 8 – Minor Zone Amendments - Existing Land Zones under LMLEP 2014



Land Parcel	R2 Low Density Residential	<h2 style="text-align: center;">Existing</h2> <h3 style="text-align: center;">Land Zoning Map</h3> <p style="text-align: center;">Lake Macquarie Local Environmental Plan 2014</p> <div style="text-align: center;"> <p>0 400 Metres</p> </div> <div style="text-align: center;"> <p>Projection: GDA 1994 Zone 56</p> </div> <div style="text-align: center;"> </div> <p style="text-align: center;">Date: 11/05/2022      Planning Proposal: RZ/8/2021</p>
Subject Land	R3 Medium Density Residential	
<b>Land Zoning</b>	RE1 Public Recreation	
B1 Neighbourhood Centre	RE2 Private Recreation	
B4 Mixed Use	RU4 Primary Production Small Lots	
B7 Business Park	SP1 Special Activities	
C2 Environmental Conservation	SP2 Infrastructure	
IN1 General Industrial	W1 Natural Waterways	
IN2 Light Industrial		

**Map 9 – Minor Zone Amendments - Proposed Land Zones under LMLEP 2014**



Subject Land	R2 Low Density Residential	<h2 style="margin: 0;">Proposed</h2> <h3 style="margin: 0;">Land Zoning Map</h3> <p style="margin: 0;">Lake Macquarie Local Environmental Plan 2014</p>
Land Parcel	R3 Medium Density Residential	
<b>Land Zoning</b>		<p style="margin: 0;">0 <span style="display: inline-block; width: 150px; border-bottom: 1px solid black;"></span> 400</p> <p style="margin: 0; text-align: center;">Metres</p>
B1 Neighbourhood Centre	RE1 Public Recreation	
B4 Mixed Use	RE2 Private Recreation	<p style="margin: 0; text-align: center;">N</p> <p style="margin: 0; text-align: center;">Projection GDA 1994 Zone 56</p>
B7 Business Park	RU4 Primary Production Small Lots	
C2 Environmental Conservation	SP1 Special Activities	
IN1 General Industrial	SP2 Infrastructure	
IN2 Light Industrial	W1 Natural Waterways	<p style="margin: 0;">Date: 11/05/2022      Planning Proposal: RZ/8/2021</p>

## Part 5 – Community Consultation

The planning proposal will be exhibited in accordance with the Lake Macquarie Community Participation Plan and the Gateway determination. It is recommended that the planning proposal be exhibited for 28 days.

The planning proposal has been referred to the following public authorities and government agencies for comment:

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

## Part 6 – Project Timeline

Stage	Timeframe and / or date
Gateway determination	3 February 2023
Pre-exhibition	March 2023
Commencement and completion of public exhibition period	April 2023
Consideration of submissions	May 2023
Post-exhibition review and additional studies	June 2023
Post exhibition planning proposal consideration / preparation	July 2023
Submission to Department for finalisation (where applicable)	August 2023
Gazettal of LEP Amendment	December 2023

## Attachment 1



## Attachment 1

### Review of minor zone amendments – Draft Planning Proposal 144 - 146 Munibung Road Boolaroo

#### Contents

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#### Document Purpose

This document is for the purpose of providing mapping, property, amendment details and a review of the land and legislative matters relevant to the land areas subject to minor zone, building height and lot size boundary changes.

The LEP amendments described in this document in association with draft Planning Proposal 144-146 Munibung Road Boolaroo, seek to resolve the minor boundary errors evident over various properties on the Pasmenco site. The land areas are small in size and have various zonings that do not appear to line up correctly or logically with lot boundaries and land areas subject to Site Audit Statements (SAS) that identify specific permitted uses.

It is considered the errors are a result of previous LEP Amendments that have been indicative of future subdivision layout. As planning for the site has progressed and public and private infrastructure is delivered, locations where zone boundaries are not consistent with lot boundaries have become clearer and more evident.

After internal consultation, it is considered the minor zone, building height and lot size amendments are necessary as they will support the preparation of land areas in the Cockle Creek Precinct to transition and deliver new land uses including residential, mixed use, light industrial, open space and special activities. The proposed changes are of minor significant as they seek to resolve minor mapping errors.



It should also be noted that during the preparation of this Planning Proposal, it was identified the NSW Government ePlanning Spatial Viewer has resolved the small zone slithers that attachment 1 refers to. As the in force paper maps supplied on the NSW Government Portal are not consistent with the recent updates on ePlanning Spatial Viewer, it is necessary to retain the minor zone amendments as part of this Planning Proposal to confirm the changes are made.

**Table 1**

Table 1 is for the purpose of:

- Identifying an item code that corresponds with each minor zone amendment land area and the Map of minor zone and boundary errors in figure 1
- Providing site details and
- Providing Land owner
- Detailing proposed zone amendments
- Addressing relevant matters for consideration including local and state Environmental Planning Policies and Ministerial Directions.

Item	Site details	Land Owner (s)	Proposed amendment	Matters for consideration
1R2	128 Munibung Road, BOOLAROO  Lot 1006 DP 1270101  Size (approx.): 4m x 137m	GREENCAPITAL WEEMALA PTY LTD	<b>Amend SP1 Special Activities to R2 Low Density Residential</b> to be consistent with the surrounding R2 zone and 128 Munibung Road lot boundary.  Also change lot sizes to 450m <sup>2</sup> to be consistent with lot sizes associated with surrounding R2 zoned land.	Amendment is <b>consistent</b> with the subdivision layout, surrounding zones, land use intentions and alignment of Fotheringham Road.  Amendment <b>clarifies</b> the SP1 zone and uses relate only to the land area considered part of the containment cell and subject to SAS FR – 049R which does not permit residential uses.  Any <b>potential for inconsistency</b> with legislative responsibilities associated with the State Environmental Planning Policies (SEPPs) and Ministerial Directions should be considered of minor significance and/or justified as the amendment seeks a minor adjustment to correct and align the zone boundary with the intended uses and ongoing management requirements of the Containment Cell Environmental Management Plan and residential land. These intensions are evident in the existing Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan and recent subdivision plans.  With regard to its consistency with remediation of contaminated land SEPP and Ministerial Directions – Item 1R2 is classified part of the land associated with SAS GN 416 – 26 <a href="https://app.epa.nsw.gov.au/resources/clm/docs/pdf/nGN416-23.pdf">https://app.epa.nsw.gov.au/resources/clm/docs/pdf/nGN416-23.pdf</a> .  The land referred to as Lot F in SAS is permitted for the following:  - Day care centre, preschool, primary school

				<ul style="list-style-type: none"> <li>- Residential with minimal opportunity for soil access, including units</li> <li>- Secondary school</li> <li>- Park, recreational open space, playing field</li> <li>- Commercial/industrial</li> </ul> <p>If found necessary during the Gateway Determination process, this item may be referred to the Waste Asset Management Corporation for concurrence.</p>
2R2	<p>128 Munibung Road, BOOLAROO</p> <p>Lot 1006 DP 1270101</p> <p>Size (approx.): 20m x 270m</p>	<p>GREENCAPITAL WEEMALA PTY LTD</p>	<p><b>Amend SP1 Special Activities to R2 Low Density Residential</b> to be consistent with the surrounding R2 zone and 128 Munibung Road lot boundary.</p> <p>Also change lot sizes to 450m<sup>2</sup> to be consistent with lot sizes associated with surrounding R2 zoned land.</p>	<p>Amendment is <b>consistent</b> with the subdivision layout, surrounding zones, land use intentions and alignment of Fotheringham Road.</p> <p>Amendment <b>clarifies</b> the SP1 zone relates only to the land area considered part of the containment cell and subject to SAS FR – 049R.</p> <p>Any <b>potential for inconsistency</b> with legislative responsibilities associated with the State Environmental Planning Policies (SEPPs) and Ministerial Directions should be considered of minor significance and/or justified as the amendment seeks a minor adjustment to correct and align the zone boundary with the intended uses and ongoing management requirements of the Containment Cell Environmental Management Plan and residential land. These intensions are evident in the existing Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan and recent subdivision plans.</p> <p>With regard to its consistency with remediation of contaminated land SEPP and Ministerial Directions – Item 2R2 is classified part of the land associated with SAS GN 416 – 26 <a href="https://app.epa.nsw.gov.au/resources/clm/docs/pdf/nGN416-23.pdf">https://app.epa.nsw.gov.au/resources/clm/docs/pdf/nGN416-23.pdf</a>.</p> <p>The land referred to as Lot F in SAS is permitted for the following:</p> <ul style="list-style-type: none"> <li>- Day care centre, preschool, primary school</li> <li>- Residential with minimal opportunity for soil access, including units</li> <li>- Secondary school</li> <li>- Park, recreational open space, playing field</li> <li>- Commercial/industrial</li> </ul> <p>If found necessary during the Gateway Determination process, this item may be referred to the Waste Asset Management Corporation for concurrence.</p>
3R2	<p>128 Munibung Road, BOOLAROO</p> <p>Lot 1006 DP 1270101</p> <p>Size (approx.): 0.5m x 183m</p>	<p>GREENCAPITAL WEEMALA PTY LTD</p>	<p><b>Amend IN2 Light Industrial to R2 Low Density Residential</b> to be consistent with the surrounding R2 zone and 128 Munibung Road lot boundary.</p> <p>Also change height of buildings to 8.5m and lot sizes to 450m<sup>2</sup> to be consistent with surrounding R2 zoned land</p>	<p>Amendment is <b>consistent</b> with the subdivision layout, surrounding zones, land use intentions and alignment of Munibung Road.</p> <p>Amendment <b>clarifies</b> and completes the preparation of the land areas for residential development.</p> <p>Amendment <b>clarifies</b> the IN2 zone and uses relate only to the uses permitted by the associated SAS GN 416 26, Commercial/Industrial.</p> <p>Any potential <b>inconsistencies</b> with State Environmental Planning Policies and Ministerial Directions are considered minor and/or justified as the amendment seeks</p>

				<p>a minor adjustment to correct and align the zone boundary with the intended uses and requirements of residential and light industrial land areas. These intensions are evident in the existing Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan and recent subdivision plans.</p> <p>With regard to its consistency with remediation of contaminated land SEPP and Ministerial Directions – Item 3R2 is classified part of the land associated with SAS GN 416 – 26 <a href="https://app.epa.nsw.gov.au/resources/clm/docs/pdf/nGN416-23.pdf">https://app.epa.nsw.gov.au/resources/clm/docs/pdf/nGN416-23.pdf</a>.</p> <p>The land referred to as Lot F in SAS is permitted for the following:</p> <ul style="list-style-type: none"> <li>- Day care centre, preschool, primary school</li> <li>- Residential with minimal opportunity for soil access, including units</li> <li>- Secondary school</li> <li>- Park, recreational open space, playing field</li> <li>- Commercial/industrial</li> </ul>
4R2	<p>128 Munibung Road, BOOLAROO</p> <p>Lot 1006 DP 1270101</p> <p>Size (approx.): 3.5m x 670m</p>	<p>GREENCAPITAL WEEMALA PTY LTD</p>	<p><b>Amend B4 Mixed Use to R2 Low Density Residential</b> to be consistent with the surrounding R2 zone and 128 Munibung Road lot boundary.</p> <p>Also change height of buildings to 8.5m and lot sizes to 450m<sup>2</sup> to be consistent with surrounding R2 zoned land</p>	<p>Amendment is <b>consistent</b> with the subdivision layout, surrounding zones, land use intentions and alignment of Fotheringham Road.</p> <p>Amendment <b>clarifies</b> and completes the preparation of the land areas for residential development and confirms uses associated and permitted by SAS GN 416 – 26 are contained within the bounds of the relevant area.</p> <p>Amendment <b>clarifies</b> B4 zone and uses relate only to the uses permitted by the associated SAS GN416 14.</p> <p>Any potential <b>inconsistencies</b> with State Environmental Planning Policies and Ministerial Directions are considered minor and/or justified as the amendment seeks a minor adjustment to correct and align the zone boundary with the intended uses and requirements of residential and business land areas. These intensions are evident in the existing Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan and recent subdivision plans.</p>
5R2	<p>38 Blantyre Road, BOOLAROO</p> <p>Lot 1009 DP 1270101</p> <p>Size (approx.): 0.85m x 325m</p>	<p>GREENCAPITAL WEEMALA PTY LTD</p>	<p><b>Amend E2 Environmental Conservation to R2 Low Density Residential</b> to be consistent with the surrounding R2 zone and 38 Blantyre Road lot boundary.</p> <p>Also change height of buildings to 8.5m and lot sizes to 450m<sup>2</sup> to be consistent with surrounding R2 zoned land</p>	<p>Amendment is <b>consistent</b> with the subdivision layout, surrounding zones and land use intentions.</p> <p>Although both land areas have been remediated and are subject to SAS 416 12 permitting residential uses, the amendment <b>clarifies</b> the E2 zone relates only to the Munibung Hill ridge line which includes intentions evident in both the LSPS and Pasmenco Area Plan to retain and enhance as part of scenic amenity and significant of Munibung Hill.</p> <p>The amendment does not impact or affect the ecological management and legislative responsibilities associated with the Angophora Inopina Reserve.</p> <p>Any potential <b>inconsistencies</b> with State Environmental Planning Policies and Ministerial Directions are considered minor and/or justified as the amendment seeks</p>

				a minor adjustment to correct and align the zone boundary with the intended uses and requirements of residential and environmental land areas. These intensions are evident in the existing Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan and recent subdivision plans.
6R2	128 Munibung Road, BOOLAROO  Lot 1006 DP 1270101  Size (approx.): 0.3m x 70m	GREENCAPITAL WEEMALA PTY LTD	<b>Amend E2 Environmental Conservation to R2 Low Density Residential</b> to be consistent with the surrounding R2 zone and Munibung Hill Reserve boundary.  Also change height of buildings to 8.5m and lot sizes to 450m <sup>2</sup> to be consistent with surrounding R2 zoned land	Amendment is <b>consistent</b> with the subdivision layout, surrounding zones, land use intentions, alignment of Munibung Hill Reserve and permitted residential uses outlined in the relevant SAS 416 12.  Amendment <b>clarifies</b> the E2 zone relates only to the Munibung Hill Reserve and the land areas associated with SAS GN 416 24 which does not permit residential uses.  Any potential <b>inconsistencies</b> with State Environmental Planning Policies and Ministerial Directions are considered minor and/or justified as the amendment seeks a minor adjustment to correct and align the zone boundary with the intended uses and requirements of residential and environmental land areas. These intensions are evident in the existing Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan and recent subdivision plans.
1C2	27 Blantyre Road, BOOLAROO  Lot 1010 DP 1270101  10 Edge Street, BOOLAROO  Lot 1004 DP 1270101  Size (approx.): 1.15m x 615m	HUNTER AND CENTRAL COAST DEVELOPMENT CORPORATION	<b>Amend R2 Low Density Residential to E2 Environmental Conservation</b> to be consistent with the surrounding E2 zoned land and the Angophora Inopina Reserve Boundary  Also change height of buildings to 5.5m and lot sizes to 40ha to be consistent with surrounding C2 zoned land	<b>Consistent</b> with the subdivision layout, surrounding zones, land use intentions and alignment of Angophora Inopina Reserve and northern ridge of Munibung Hill.  <b>Clarifies</b> part of the E2 zone relates to the Angophora Inopina Reserve and the associated SAS GN 416 3B which does not permit residential uses. The Angophora Inopina Reserve is also subject to an Environmental Management Plan which is not consistent with the current residential zone.  <b>Clarifies</b> part of the E2 zone relates to the Munibung Hill ridge line identified for rehabilitation. While part of the Munibung Hill ridge is associated with SAS GN416 12 which permits residential uses, the remainder of the land to the south is associated with SAS GN416 24 which does not permit residential uses.  Any potential <b>inconsistencies</b> with State Environmental Planning Policies and Ministerial Directions are considered minor and/or justified as the amendment seeks a minor adjustment to correct and align the zone boundary with the intended uses and requirements of residential and environmental land areas. These intensions are evident in the existing Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan and recent subdivision plans.
2C2	10 Edge Street, BOOLAROO  Lot 1004 DP 1270101  Size (approx.): 0.75m x 493m	HUNTER AND CENTRAL COAST DEVELOPMENT CORPORATION	<b>Amend R2 Low Density Residential to E2 Environmental Conservation</b> to be consistent with the surrounding E2 zoned land and the Munibung Hill Reserve Boundary.  Also change height of buildings to 5.5m and lot sizes to 40ha to be	<b>Consistent</b> with the subdivision layout, surrounding zones, land use intentions and alignment of Munibung Hill Reserve.  <b>Clarifies</b> the E2 zone relates to the Munibung Hill ridge line identified for rehabilitation. The land is associated with SAS GN416 24 which does not permit residential uses.  Any potential <b>inconsistencies</b> with State Environmental Planning Policies and

			consistent with surrounding C2 zoned land	Ministerial Directions are considered minor and/or justified as the amendment seeks a minor adjustment to correct and align the zone boundary with the intended uses and requirements of residential and environmental land areas. These intensions are evident in the existing Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan and recent subdivision plans.
<b>3C2</b>	2A Fourth Street, BOOLAROO  Lot 51 DP 1229360  Size (approx.): 7.7m x 716m	HUNTER AND CENTRAL COAST DEVELOPMENT CORPORATION	<b>Amend R2 Low Density Residential to E2 Environmental Conservation</b> to be consistent with the surrounding E2 zoned land and the Munibung Hill Reserve Boundary.  Also change height of buildings to 5.5m and lot sizes to 40ha to be consistent with surrounding C2 zoned land	<b>Consistent</b> with the subdivision layout, surrounding zones, land use intentions and alignment of Munibung Hill Reserve.  <b>Clarifies</b> the E2 zone relates only to the Munibung Hill Reserve and completes the preparation of the adjacent land area for residential development.  Any potential <b>inconsistencies</b> with State Environmental Planning Policies and Ministerial Directions are considered minor and/or justified as the amendment seeks a minor adjustment to correct and align the zone boundary with the intended uses and requirements of residential and environmental land areas. These intensions are evident in the existing Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan and recent subdivision plans.
<b>1SP1</b>	140 Munibung Road, BOOLAROO  Lot 1005 DP 1270101  Size (approx.): 0.23m x 236m	HUNTER AND CENTRAL COAST DEVELOPMENT CORPORATION	<b>Amend IN2 Light Industrial to SP1 Special Activities</b>  Also change height of buildings to 8.5m and remove lot sizes (1500m <sup>2</sup> ) to be consistent with surrounding SP1 zone.	<b>Consistent</b> with the subdivision layout, surrounding zones, land use intentions and alignment of Munibung Road.  <b>Clarifies</b> the SP1 zone relates only to the land area considered part of the containment cell and associated with SAS FR 049 R which permits the use <i>Containment cell and leachate treatment plant</i> and does not permit light industrial uses.  The Containment Cell is also subject to the Containment Cell Environmental Management Plan (CCEMP) which is not consistent with light industrial uses.  Any potential <b>inconsistencies</b> with State Environmental Planning Policies and Ministerial Directions are considered minor and/or justified as the amendment seeks a minor adjustment to correct and align the zone boundary with the intended uses and requirements of contaminated and light industrial land areas. These intensions are evident in the existing Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan and recent subdivision plans and CCEMP.
<b>2SP1</b>	140 Munibung Road, BOOLAROO  Lot 1005 DP 1270101  Size (approx.): 10m x 111m	HUNTER AND CENTRAL COAST DEVELOPMENT CORPORATION	<b>Amend IN2 Light Industrial to SP1 Special Activities</b>  Also change height of buildings to 8.5m and remove lot sizes (1500m <sup>2</sup> ) to be consistent with surrounding SP1 zone.	<b>Consistent</b> with the subdivision layout, surrounding zones, land use intentions and alignment of Munibung Road.  <b>Clarifies</b> the SP1 zone relates only to the land area considered part of the containment cell and associated with SAS FR 049 R which permits the use <i>Containment cell and leachate treatment plant</i> and does not permit light industrial uses.  The Containment Cell is also subject to the Containment Cell Environmental Management Plan (CCEMP) which is not consistent with light industrial uses.

				Any potential <b>inconsistencies</b> with State Environmental Planning Policies and Ministerial Directions are considered minor and/or justified as the amendment seeks a minor adjustment to correct and align the zone boundary with the intended uses and requirements of contaminated and light industrial land areas. These intensions are evident in the existing Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan and recent subdivision plans and CCEMP.
<b>3SP1</b>	140 Munibung Road, BOOLAROO  Lot 1005 DP 1270101  Size (approx.): 2.3m x 302m	HUNTER AND CENTRAL COAST DEVELOPMENT CORPORATION	<b>Amend B7 Business Park to SP1 Special Activities</b>  Also change height of buildings to 8.5m and remove lot sizes (1500m <sup>2</sup> ) to be consistent with surrounding SP1 zone.	<b>Consistent</b> with the subdivision layout, surrounding zones and land use intentions.  <b>Clarifies</b> the SP1 zone relates only to the land area considered part of the containment cell and associated with SAS FR 049 R which permits the use <i>Containment cell and leachate treatment plant</i> and does not permit business park uses.  The Containment Cell is also subject to the Containment Cell Environmental Management Plan (CCEMP) which is not consistent with business park uses.  Any potential <b>inconsistencies</b> with State Environmental Planning Policies and Ministerial Directions are considered minor and/or justified as the amendment seeks a minor adjustment to correct and align the zone boundary with the intended uses and requirements of contaminated and business park land areas. These intensions are evident in the existing Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan and recent subdivision plans and CCEMP.
<b>4SP1</b>	140 Munibung Road, BOOLAROO  Lot 1005 DP 1270101  Size (approx.): 19.12m x 51.21m	HUNTER AND CENTRAL COAST DEVELOPMENT CORPORATION	<b>Amend R2 Low Density Residential to SP1 Special Activities</b>  Also remove lot sizes (450m <sup>2</sup> ) to be consistent with surrounding SP1 zone.	<b>Consistent</b> with the subdivision layout, surrounding zones, land use intentions and alignment of Munibung and Fotheringham Road.  <b>Clarifies</b> the SP1 zone relates only to the land area considered part of the containment cell and associated with SAS FR 049 R which permits the use <i>Containment cell and leachate treatment plant</i> and does not permit residential uses.  The Containment Cell is also subject to the Containment Cell Environmental Management Plan (CCEMP) which is not consistent with residential uses.  Any potential <b>inconsistencies</b> with State Environmental Planning Policies and Ministerial Directions are considered minor and/or justified as the amendment seeks a minor adjustment to correct and align the zone boundary with the intended uses and requirements of contaminated and residential land areas. These intensions are evident in the existing Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan and recent subdivision plans and CCEMP.
<b>5SP1</b>	140 Munibung Road, BOOLAROO  Lot 1005 DP 1270101  Size (approx.):	HUNTER AND CENTRAL COAST DEVELOPMENT CORPORATION	<b>Amend R2 Low Density Residential to SP1 Special Activities</b>  Also remove lot sizes (450m <sup>2</sup> ) to be consistent with surrounding SP1 zone.	<b>Consistent</b> with the subdivision layout, surrounding zones, land use intentions and alignment of Fotheringham Road.  <b>Clarifies</b> the SP1 zone relates only to the land area considered part of the containment cell and associated with SAS FR 049 R which permits the use <i>Containment cell and leachate treatment plant</i> and does not permit residential uses.

	4.20m x 420m			<p>The Containment Cell is also subject to the Containment Cell Environmental Management Plan (CCEMP) which is not consistent with residential uses.</p> <p>Any potential <b>inconsistencies</b> with State Environmental Planning Policies and Ministerial Directions are considered minor and/or justified as the amendment seeks a minor adjustment to correct and align the zone boundary with the intended uses and requirements of contaminated and residential land areas. These intensions are evident in the existing Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan and recent subdivision plans and CCEMP.</p>
<b>1SP2</b>	<p>2 Railway Lands, LAKE MACQUARIE</p> <p>Lot 3 DP 433119</p> <p>10 James Street, ARGENTON</p> <p>Lot 102 DP 1188398</p> <p>Size (approx.): 2.25m x 500m</p>	<p>RAIL CORPORATION NEW SOUTH WALES</p>	<p><b>Amend IN2 Light Industrial to SP2 Infrastructure</b></p> <p>Also change height of buildings to 8.5m and remove lot sizes (1500m<sup>2</sup>) to be consistent with surrounding SP2 zone.</p>	<p><b>Consistent</b> with the subdivision layout, surrounding zones, land use intentions and alignment of railway corridor.</p> <p><b>Clarifies</b> the SP2 zone relates only to the land area considered part of the railway corridor.</p> <p><b>Clarifies</b> the light industrial land subject to SAS GN416-26 which permits commercial and industrial uses.</p> <p>Any potential <b>inconsistencies</b> with State Environmental Planning Policies and Ministerial Directions are considered minor and/or justified as the amendment seeks a minor adjustment to correct and align the zone boundary with the intended uses and requirements of infrastructure and light industrial land areas. These intensions are evident in the existing Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan.</p> <p>Consultation with RAIL CORPORATION NEW SOUTH WALES is not required as the change is minor and will confirm the intended and current uses are consistent with the zone.</p>
<b>1IN2</b>	<p>Road Reserve (Local Government)</p> <p>DP1207207</p> <p>Size (approx.): 2.25m x 500m</p>	<p>Lake Macquarie City Council</p>	<p><b>Amend SP1 Special Activities to IN2 Light Industrial</b></p> <p>Also change height of buildings to 15m and lot sizes to 1500m<sup>2</sup> to be consistent with surrounding IN2 zoned land</p>	<p><b>Consistent</b> with the subdivision layout, surrounding zones, land use intentions and alignment of Munibung Road.</p> <p><b>Clarifies</b> the SP1 zone relates only to the land area considered part of the containment cell and associated with SAS FR 049 R which permits the use <i>Containment cell and leachate treatment plant</i> and does not permit light industrial uses.</p> <p>Any potential <b>inconsistencies</b> with State Environmental Planning Policies and Ministerial Directions are considered minor and/or justified as the amendment seeks a minor adjustment to correct and align the zone boundary with the intended uses and requirements of contaminated and light industrial land areas. These intensions are evident in the existing Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan.</p>
<b>2IN2</b>	<p>Road Reserve (Local Government)</p>	<p>Lake Macquarie City Council</p>	<p><b>Amend SP1 Special Activities to IN2 Light Industrial</b></p>	<p><b>Consistent</b> with the subdivision layout, surrounding zones, land use intentions and alignment of Munibung Road.</p>

	DP1270101 Size (approx.): 2.25m x 500m		Also change height of buildings to 15m and lot sizes to 1500m <sup>2</sup> to be consistent with surrounding IN2 zoned land	<b>Clarifies</b> the SP1 zone relates only to the land area considered part of the containment cell and associated with SAS FR 049 R which permits the use <i>Containment cell and leachate treatment plant</i> and does not permit light industrial uses.  Any potential <b>inconsistencies</b> with State Environmental Planning Policies and Ministerial Directions are considered minor and/or justified as the amendment seeks a minor adjustment to correct and align the zone boundary with the intended uses and requirements of contaminated and light industrial land areas. These intensions are evident in the existing Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan.
<b>1B4</b>	Bunnings Warehouse, 147 Munibung Road, BOOLAROO  Lot 3 DP 1207207  Size (approx.): 6.1m x 81.7m	RAIL CORPORATION NEW SOUTH WALES	<b>Amend SP2 Infrastructure to B4 Mixed Use</b>  Also change height of buildings to 13m to be consistent with surrounding B4 zoned land	<b>Consistent</b> with the subdivision layout, surrounding zones, land use intentions and alignment of railway corridor.  <b>Clarifies</b> the SP2 zone relates only to the land area considered part of the railway corridor.  Any potential <b>inconsistencies</b> with State Environmental Planning Policies and Ministerial Directions are considered minor and/or justified as the amendment seeks a minor adjustment to correct and align the zone boundary with the intended uses and requirements of infrastructure and business land areas. These intensions are evident in the existing Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan.
<b>1B7</b>	Road Reserve (Local Government)  DP1207207  Size (approx.): 3.8m x 182m	Lake Macquarie City Council	<b>Amend B4 Mixed Use to B7 Business Park</b>  Also change height of buildings to 15m and lot sizes to 1500m <sup>2</sup> to be consistent with surrounding B7 zoned land	<b>Consistent</b> with the subdivision layout, surrounding zones, land use intentions and alignment of Munibung Road.  Any potential <b>inconsistencies</b> with State Environmental Planning Policies and Ministerial Directions are considered minor and/or justified as the amendment seeks a minor adjustment to correct and align the zone boundary with the intended uses and requirements of business land areas. These intensions are evident in the existing Lake Macquarie Development Control Plan 2014 – Pasmenco Area Plan.
<b>2B7</b>	1 Cressy Road, BOOLAROO  Lot 1011 DP 1270101  Size (approx.): 25m x 60m	COSTCO WHOLESALE AUSTRALIA PTY LIM  TED	<b>Amend SP1 Special Activities to B7 Business Park</b>  Also change height of buildings to 15m and lot sizes to 1500m <sup>2</sup> to be consistent with surrounding B7 zoned land	<b>Consistent</b> with the subdivision layout, surrounding zones, land use intentions and Costco land northern boundary.  Clarifies the SP1 zone relates only to the land area considered part of the containment cell and completed the preparation of land for business development.  Any inconsistencies with State Environmental Planning Policies and Ministerial Directions are considered minor as the changes reflect the intended use of the land area and correct a mapping error.



### Figure 1 - Minor Zone Amendments - Location & Item Codes

The amendments identified in Figure 1 more appropriately identify zones to be consistent with property boundaries in both public and private ownership. This includes changing zones to be more consistent with environmental and ecological areas where the zone boundary meets other alternatively zoned land areas. It is anticipated this will retain and support environmental, social and economic outcomes in relevant areas over the site.

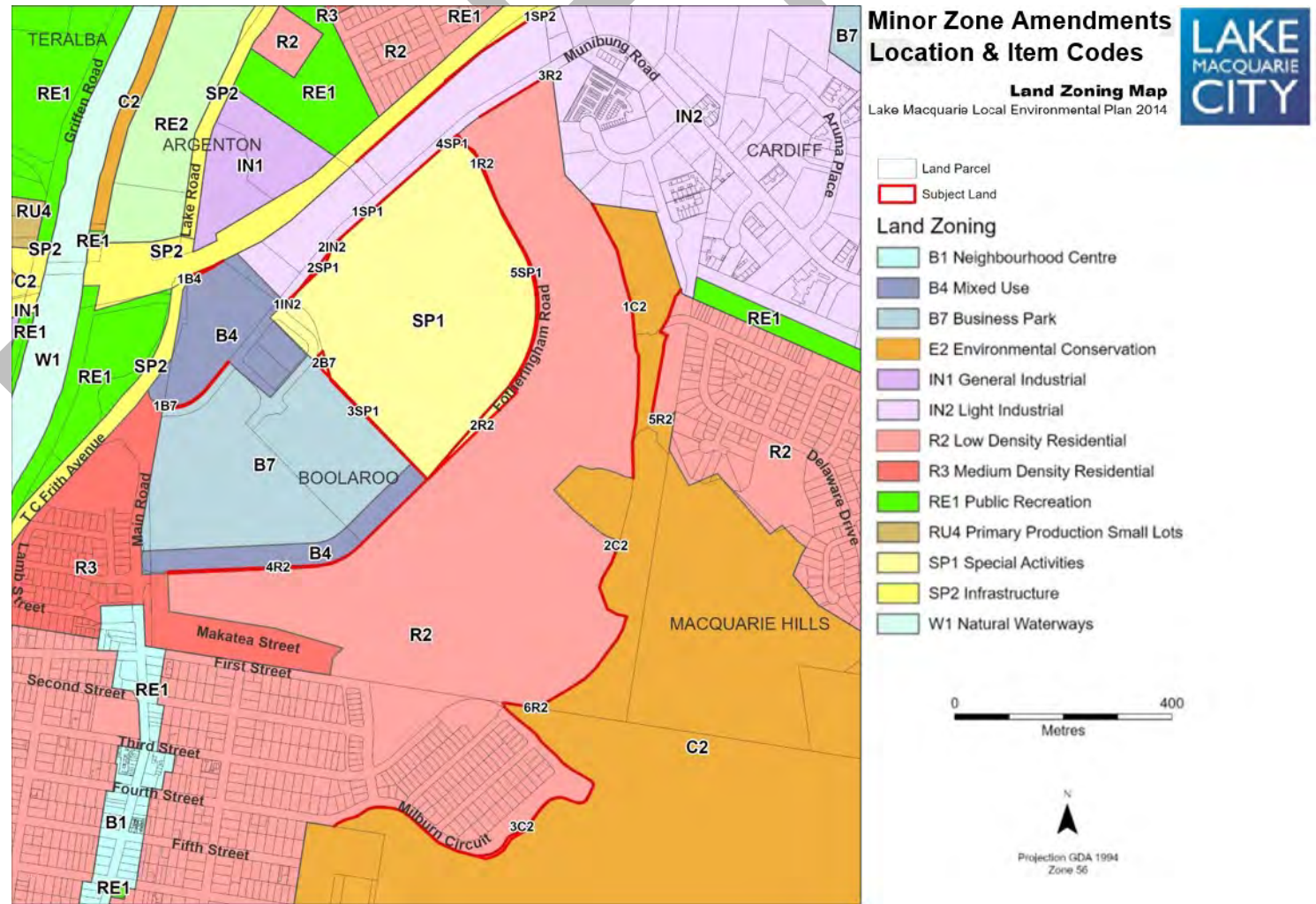
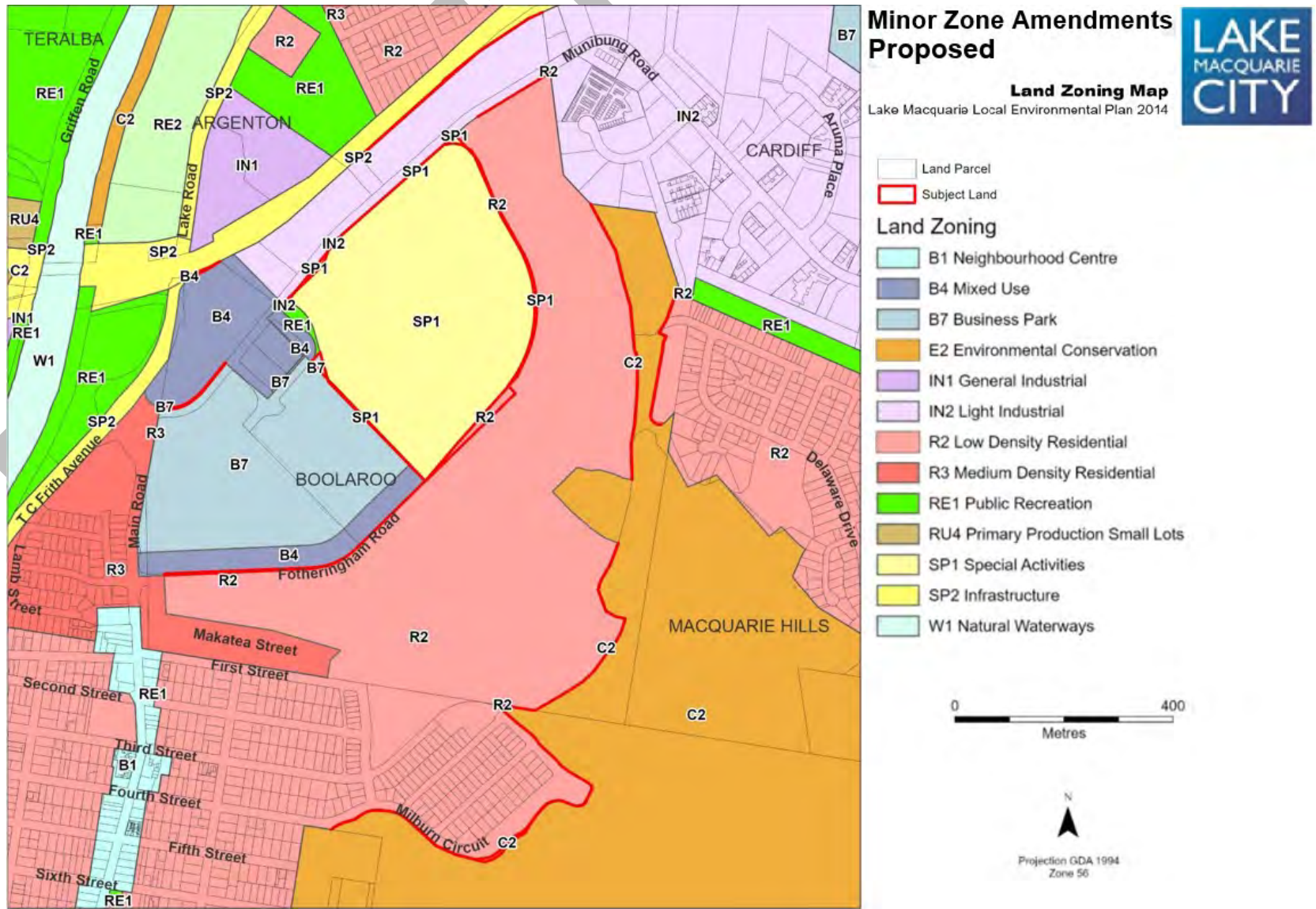


Figure 2 - Minor Zone Amendments – Proposed Land Use Zones LMLEP2014



## Attachment 2

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Kent,

Thank you for your email.

I have reviewed your information request regarding Lot H and provide the following response.

- Proposed Lot H is not required for the ongoing maintenance or management of the cell in any way. **WAMC can confirm that Lot H has been remediated and does not form part of the perpetual management of Pasmenco waste containment cell.**
- WAMC are satisfied proposed Lot H can be subdivided and used for purposes other than Containment Cell management. **WAMC is satisfied that Lot H can be subdivided as part of the overall site development plan. This process is currently being managed by HCCDC.**

Feel free to contact me if you have any questions.

Regards,

**Ezio Di Giovanni**

Senior Manager, Gas & Leachate, WAMC

Environmental Services Group, Property & Development NSW

Housing and Property | Department of Planning, Industry and Environment

(T) 02 92733763 | (M) 0419753946 | (E) [ezio.digiovanni@property.nsw.gov.au](mailto:ezio.digiovanni@property.nsw.gov.au)

Eastern Creek Waste Management Centre, Wallgrove Rd, Eastern Creek NSW 2766

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**Our Vision:** Together, we create thriving environments, communities and economies.

*The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present*

and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

**From:** Kent Plasto <[kplasto@lakemac.nsw.gov.au](mailto:kplasto@lakemac.nsw.gov.au)>  
**Sent:** Friday, 25 September 2020 11:33 AM  
**To:** Ezio Di Giovanni <[Ezio.Di.Giovanni@property.nsw.gov.au](mailto:Ezio.Di.Giovanni@property.nsw.gov.au)>  
**Subject:** Request for information Regarding Lot H

Hi Ezio,

Thank you for discussing Lot H this morning.

The images below show the location of proposed Lot H, Lot size and Site Audit Report reference (GN-416-22).

My particular inquiry relates to a point of clarity that DPIE stipulated in previous Planning Proposal negotiations. They require; *confirmation that Site H is not required for any future contamination assessment, monitoring or additional remediation or confirmation that any future work can be accommodated on the site.*

I am aware that the site audit report confirms proposed Lot H has been remediated and that it is now suitable for various development uses. While DPIE have identified they are satisfied with perpetual care arrangements they note that they are unsure if the CC-EMP maintains that Lot H is or isn't necessary for the ongoing maintenance of the cell.

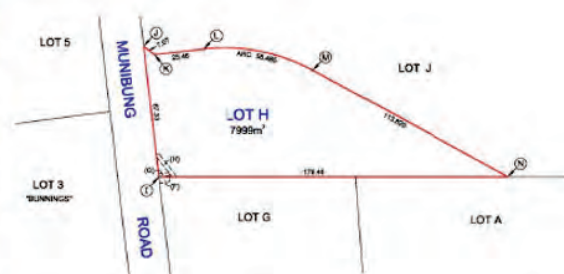
As the managers of the Containment Cell can you confirm

- Proposed Lot H is not required for the ongoing maintenance or management of the cell in any way, and
- WAMC are satisfied proposed Lot H can be subdivided and used for purposes other than Containment Cell management.

Figure 8 - Proposed Lot H, 13a Main Road, Boolaroo, Part Lot 2 DP 1127713, 7999 m2



Figure 8 GN - 416 - 22



Lot H is located in the north central portion of Parcel 5 and extends along the western toe of the containment cell (Lot J)

0419753946 – ezio.digiovanni@property.nsw.gov.au

Kind Regards

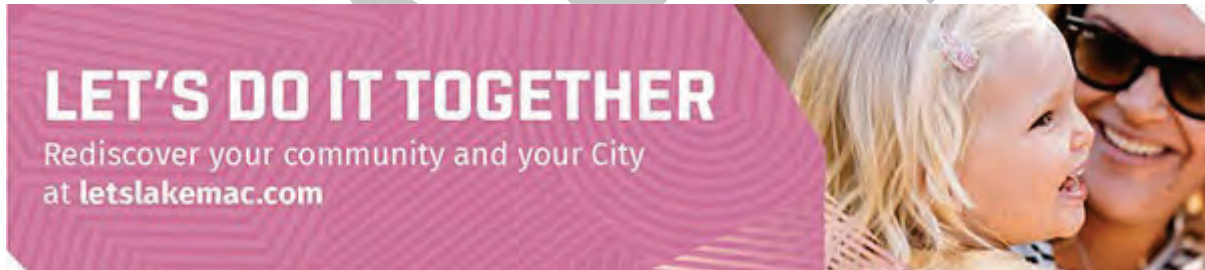
**Kent Plasto**  
Strategic Landuse Planner



T 02 4921 0368

E [kplasto@lakemac.nsw.gov.au](mailto:kplasto@lakemac.nsw.gov.au)

[lakemac.com.au](http://lakemac.com.au)



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## Attachment 3



OBJ1803757

Ms Morven Cameron  
CEO  
Lake Macquarie City Council  
Box 1906  
HUNTER REGION MAIL CENTRE NSW 2310

Attention Kent Plasto

Dear Ms Cameron,

**Planning Proposal to amend Lake Macquarie Local Environmental Plan 2014 – Site H Pasmenco Cockle Creek Smelter Pty Ltd**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone the subject site (approximately 7, 380m<sup>2</sup>) from SP1 Hazardous Storage Establishment- Containment Cell to B4 Mixed Use to enable urban development.

I apologise for the delay in responding to Council's request. As you are aware the issues associated with this site are complex and there are a number of matters, relevant to this proposal and in progress, that require careful consideration. In particular I note that Council has indicated that it would not publicly exhibit the proposal until the Containment Cell Environmental Management Plan (CCEMP) is approved by relevant parties.

As delegate of the Minister for Planning, I am unable to determine whether or not the planning proposal should proceed without further information. In particular I require;

- confirmation that remediation works have been completed, including submission of a final Site Audit Statement and Report to the Department of Planning and Environment for the containment cell;
- approval of all relevant management plans including the Containment Cell Management Plan, by relevant parties;
- confirmation that Site H is not required for any future contamination assessment, monitoring or additional remediation or confirmation that any future work can be accommodated on the site; and
- an updated planning proposal that reflects the above matters and responds to Clause 22 of *State Environmental Planning Policy No 55 – Remediation of Land*.

Should you have any further enquiries about this matter, I have arranged for Ms Katrine O'Flaherty to assist you. Ms O'Flaherty can be contacted on (02) 4904 2700.

Yours sincerely

5/11/2018  
**Monica Gibson**  
Director, Regions Hunter  
Planning Services



## Attachment 4



Ms Morven Cameron  
CEO  
Lake Macquarie City Council  
Box 1906  
HUNTER REGIONAL MAIL CENTRE NSW 2310

Dear Ms Cameron

**Planning proposal PP-2021-1024 to amend Lake Macquarie Local  
Environmental Plan 2014**

Thank you for Council's response to the Department's correspondence regarding the planning proposal for Pasmenco Site H. I acknowledge staff are preparing a new planning proposal covering the site and adjacent lots that more accurately reflects the strategic and land owner intentions for the area.

I wish to advise that as the delegate of the Minister for Planning and Public Spaces, I have determined the current planning proposal should not proceed.

The Department would welcome consideration of a new planning proposal for the area. This will be considered on its merits. However, I acknowledge the action I have taken is not on the basis of a lack of merit for the current planning proposal. Rather, it is due to it being a long-standing matter that needed to be concluded.

Should you have any enquiries about this matter, I have arranged for Ms Chris Ferry, Planning Officer, Central Coast and Hunter Region to assist you. Ms Ferry can be contacted on 4927 3203.

Yours sincerely

18/11/2021  
**Dan Simpkins**  
Director, Central Coast and Hunter Region  
Planning and Assessment

Encl: Gateway Determination

## Attachment 5

**NSW Site Auditor Scheme  
SITE AUDIT STATEMENT**



*A site audit statement summarises the findings of a site audit. For full details of the site auditor's findings, evaluations and conclusions, refer to the associated site audit report.*

*This form was approved under the Contaminated Land Management Act 1997 on 31<sup>st</sup> October 2012. For more information about completing this form, go to Part IV.*

**PART I: Site audit identification**

Site audit statement no. GN 416-22

This site audit is a ~~statutory audit~~ **non-statutory audit**\* within the meaning of the *Contaminated Land Management Act 1997*.

Site auditor details (as accredited under the *Contaminated Land Management Act 1997*)

Name: Graeme Nyland Company: Ramboll Environ Australia Pty Ltd

Address: Level 3, 100 Pacific Highway (PO Box 560)

North Sydney NSW

Postcode: 2060

Phone: 02 9954 8100

Fax: 02 9954 8150

**Site details**

Address: Proposed Lot H of the former Pasmenco Cockle Creek Smelter, which has a street address of 13a Main Road, Boolaroo, NSW 2284. Lot H fronts Munibung Road.

Postcode: 2284

Property description (*attach a list if several properties are included in the site audit*)

Part Lot 2 DP 1127713, Proposed Lot H (See Attachment at end of Part I of this statement)

Local Government Area: Lake Macquarie

Area of site (e.g. hectares): 7999 m<sup>2</sup>

Current zoning: SP1 Special Activities (Hazardous Storage Establishment – Containment Cell)

To the best of my knowledge, the site ~~is~~ **is not**\* the subject of a declaration, order, agreement or notice under the *Contaminated Land Management Act 1997* or the *Environmentally Hazardous Chemicals Act 1985*.

Declaration/Order/Agreement/Proposal/Notice\* no(s):

Declaration of Remediation Site 21027 dated 10 September 2002 and Remediation Order 23008 dated 1 July 2003

*\*Strike out as appropriate.*



Site audit commissioned by

Name: [Redacted] Company: Fitzwalter Group on behalf of Pasmaico Cockle Creek Smelter Pty Ltd

Address: PO Box 42, Boolaroo NSW Postcode: 2284

Phone: [Redacted] Fax: NA

Name and phone number of contact person (if different from above)

[Redacted contact information]

Purpose of site audit

- [X] A. To determine land use suitability (please specify intended use[s]) Proposed to be rezoned for mixed uses including potentially childcare.

OR

- ~~[ ] B(i) To determine the nature and extent of contamination, and/or~~
- ~~[ ] B(ii) To determine the appropriateness of an investigation/remedial action/management plan\*, and/or~~
- ~~[ ] B(iii) To determine if the land can be made suitable for a particular use or uses by implementation of a specified remedial action plan/management plan\* (please specify intended use[s])~~

Information sources for site audit

Consultancy(ies) which conducted the site investigation(s) and/or remediation

- Fitzwalter Group Pty Ltd (Fitzwalter Group)
- RCA Australia (RCA)
- WSP Environmental & Energy (WSP)
- Golder Associates Pty Ltd (Golder)

Title(s) of report(s) reviewed:

- 'Site-wide Pre-remediation Groundwater Report – October 2010', January 2011, WSP.
- 'Environmental Monitoring Report (June 2014) – Former PCCS Facility, Boolaroo, NSW', 23 September 2014, Golder.
- 'Groundwater Monitoring and Management Plan', 21 November 2014, Golder.
- 'Factual Groundwater Monitoring Well Installation and Sampling Report September 2014 – Former PCCS Facility, Boolaroo, NSW' 19 November 2014, Golder

\*Strike out as appropriate

- 'Environmental Monitoring Report (December 2014) – Former PCCS Facility, Boolaroo, NSW' 20 April 2015, Golder
- 'Former PCCS Facility, Boolaroo, NSW – Proposed Amendments to Post-Remediation Groundwater Monitoring', 9 June 2015, Golder
- 'Quality Assurance/Quality Control Review Parcel 5, Pasminco Cockle Creek Smelter, Boolaroo, NSW', June 2015, RCA
- 'Lot 604 Validation Report, Former Pasminco Cockle Creek Smelter, Boolaroo', September 2015, RCA
- Lot 1003 Validation Report, Former Pasminco Cockle Creek Smelter, Boolaroo', December 2015, RCA
- 'Lot 603 Validation Report, Former Pasminco Cockle Creek Smelter, Boolaroo', April 2016 (and draft dated February 2015), RCA
- 'Dam Summary Report for Parcel 4 and Parcel 5 PCCS, Boolaroo', 27 April 2016, RCA
- 'Groundwater Monitoring and Management Plan – Revision 1', 17 June 2016, Golder, 2016
- 'Update of Activities Undertaken on Parcels 4 and 5 Sites Following Remediation and Validation PCCS Boolaroo', 5 July 2016, RCA
- 'Proposed Lot H Summary Report, Former Pasminco Cockle Creek Smelter, Boolaroo', 27 October 2016, RCA

Other information reviewed (including previous site audit reports and statements relating to the site)

- 'Site Audit Report [sic] and Summary Site Audit Report, Lot 201 in DP805914, Pasminco Cockle Creek Smelter, Boolaroo, NSW', dated 16 January 2004 (SAS WRR127 dated 16 January 2004) by HLA.
- 'Site Audit Report, Review of Interim Groundwater Control and Monitoring Proposal, Pasminco Cockle Creek Smelter Site, 13a Main Road, Boolaroo, NSW', dated 15 November 2005 by HLA.
- 'Site Audit Report, Review of Site-wide Remediation Action Plan, Pasminco Cockle Creek Smelter Site, 13a Main Road, Boolaroo NSW', dated 17 November 2005 (SAS WRR127/3 dated 16 December 2005) by HLA.
- 'Site Audit Report, Review of Interim Groundwater Management Plan, Pasminco Cockle Creek Smelter Site, 13a Main Road, Boolaroo NSW', dated 13 February 2007 by HLA.
- 'Site Audit Report Remediation Action Plan, Parcel 5 – Smelter Site, Pasminco Cockle Creek', and Site Audit Statement GN416-2A, 27 August 2009 by Environ.
- 'Interim Advice Letter – Auditor Review of the Post Remediation Groundwater Monitoring and Management Plan, Pasminco Cockle Creek Smelter', 24 November 2014 by Environ.
- 'Auditor Review of Site Wide Post Remediation Groundwater Monitoring', 13 July 2016, by Ramboll Environ.

**Site audit report.**

Title: Site Audit Report – Lot H, Pasminco Cockle Creek, Boolaroo, NSW

Report no. GN 416-22 (Ramboll Environ Ref: AS120933)

Date: 23<sup>rd</sup> November 2016

*\*Strike out as appropriate*



\*Strike out as appropriate





## PART II: Auditor's findings

Please complete either Section A or Section B, not both. *(Strike out the irrelevant section.)*

Use Section A where site investigation and/or remediation has been completed and a conclusion can be drawn on the suitability of land use(s).

Use Section B where the audit is to determine the nature and extent of contamination and/or the appropriateness of an investigation or remedial action or management plan and/or whether the site can be made suitable for a specified land use or uses subject to the successful implementation of a remedial action or management plan.

### Section A

I certify that, in my opinion, the site is **SUITABLE** for the following use(s) *(tick all appropriate uses and strike out those not applicable):*

- ~~Residential, including substantial vegetable garden and poultry~~
- ~~Residential, including substantial vegetable garden, excluding poultry~~
- Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry
- Day care centre, preschool, primary school
- Residential with minimal opportunity for soil access, including units
- Secondary school
- Park, recreational open space, playing field
- Commercial/industrial
- Other *(please specify)* .....

subject to compliance with the following environmental management plan *(insert title, date and author of plan)* in light of contamination remaining on the site:

OR

~~I certify that, in my opinion, the site is **NOT SUITABLE** for any use due to the risk of harm from contamination.~~

Overall comments:

The site was part of the Pasmenco Cockle Creek Smelter (PCCS) site. Soil contaminated with metals including lead, zinc and cadmium has been remediated by excavation and removed to a containment cell to the north of the site. The site was remediated and validated as part of Lots 1003 and 603. The proposed subdivision has now changed and this Site Audit Statement relates to proposed Lot H.

The PCCS site is subject to Declaration of Remediation Site 21027 dated 10 September 2002 and Remediation Order 23008 dated 1 July 2003. Remediation of the site undertaken to comply with the order has reduced the migration of metals from the site via air, surface water and groundwater to a negligible level.

As groundwater at the wider PCCS site contains some metals contamination it should not be extracted for use without obtaining relevant approvals at the time. A moratorium on



groundwater use may be placed on the PCCS site following completion of the Remediation Order, and/or restrictions should be placed on water use under planning regulations. If extraction is contemplated, the water should be tested to verify that it is suitable for the proposed use.



**Section B**

Purpose of the plan<sup>1</sup> which is the subject of the audit...

I certify that, in my opinion:

- the nature and extent of the contamination HAS/HAS NOT\* been appropriately determined

AND/OR

- the investigation/remedial action plan/management plan\* IS/IS NOT\* appropriate for the purpose stated above

AND/OR

- the site CAN BE MADE SUITABLE for the following uses (*tick all appropriate uses and strike out those not applicable*):

- Residential, including substantial vegetable garden and poultry
- Residential, including substantial vegetable garden, excluding poultry
- Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry
- Day care centre, preschool, primary school
- Residential with minimal opportunity for soil access, including units
- Secondary school
- Park, recreational open space, playing field
- Commercial/industrial
- Other (*please specify*) .....

if the site is remediated/managed\* in accordance with the following remedial action plan/management plan\* (*insert title, date and author of plan*)

...

subject to compliance with the following condition(s):

...

<sup>1</sup> For simplicity, this statement uses the term 'plan' to refer to both plans and reports.

\* *Strike out as appropriate*

**Overall comments**

...

**PART III: Auditor's declaration**

I am accredited as a site auditor by the NSW Environment Protection Authority under the *Contaminated Land Management Act 1997* (Accreditation No. 9808).

I certify that:

- I have completed the site audit free of any conflicts of interest as defined in the *Contaminated Land Management Act 1997*, and
- with due regard to relevant laws and guidelines, I have examined and am familiar with the reports and information referred to in Part I of this site audit, and
- on the basis of inquiries I have made of those individuals immediately responsible for making those reports and obtaining the information referred to in this statement, those reports and that information are, to the best of my knowledge, true, accurate and complete, and
- this statement is, to the best of my knowledge, true, accurate and complete.

I am aware that there are penalties under the *Contaminated Land Management Act 1997* for wilfully making false or misleading statements.

Signed



Date 23/11 /2016



## PART IV: Explanatory notes

*To be complete, a site audit statement form must be issued with all four parts.*

### How to complete this form

**Part I** identifies the auditor, the site, the purpose of the audit and the information used by the auditor in making the site audit findings.

**Part II** contains the auditor's opinion of the suitability of the site for specified uses or of the appropriateness of an investigation, or remedial action or management plan which may enable a particular use. It sets out succinct and definitive information to assist decision-making about the use(s) of the site or a plan or proposal to manage or remediate the site.

The auditor is to complete either Section A or Section B of Part II, **not** both.

In **Section A** the auditor may conclude that the land is *suitable* for a specified use(s) OR *not suitable* for any beneficial use due to the risk of harm from contamination.

By certifying that the site is *suitable*, an auditor declares that, at the time of completion of the site audit, no further remediation or investigation of the site was needed to render the site fit for the specified use(s). Any **condition** imposed should be limited to implementation of an environmental management plan to help ensure the site remains safe for the specified use(s). The plan should be legally enforceable: for example a requirement of a notice under the *Contaminated Land Management Act 1997 (CLM Act)* or a development consent condition issued by a planning authority. There should also be appropriate public notification of the plan, e.g. on a certificate issued under s.149 of the *Environmental Planning and Assessment Act 1979*.

Auditors may also include **comments** which are key observations in light of the audit which are not directly related to the suitability of the site for the use(s). These observations may cover aspects relating to the broader environmental context to aid decision-making in relation to the site.

In **Section B** the auditor draws conclusions on the nature and extent of contamination, and/or suitability of plans relating to the investigation, remediation or management of the land, and/or whether land can be made suitable for a particular land use or uses upon implementation of a remedial action or management plan.

By certifying that a site *can be made suitable* for a use or uses if remediated or managed in accordance with a specified plan, the auditor declares that, at the time the audit was completed, there was sufficient information satisfying guidelines made or approved under the CLM Act to determine that implementation of the plan was feasible and would enable the specified use(s) of the site in the future.

For a site that *can be made suitable*, any **conditions** specified by the auditor in Section B should be limited to minor modifications or additions to the specified plan. However, if the auditor considers that further audits of the site (e.g. to validate remediation) are required, the auditor must note this as a condition in the site audit statement.

Auditors may also include **comments** which are observations in light of the audit which provide a more complete understanding of the environmental context to aid decision-making in relation to the site.

In **Part III** the auditor certifies his/her standing as an accredited auditor under the CLM Act and makes other relevant declarations.

### Where to send completed forms

In addition to furnishing a copy of the audit statement to the person(s) who commissioned the site audit, statutory site audit statements must be sent to:

**EPA (NSW)**  
Contaminated Sites Section  
PO Box A290, SYDNEY SOUTH NSW 1232  
nswauditors@epa.nsw.gov.au

AND

the **local council** for the land which is the subject of the audit.

Version: October 2012

## Attachment 6

# NSW Site Auditor Scheme SITE AUDIT STATEMENT



*A site audit statement summarises the findings of a site audit. For full details of the site auditor's findings, evaluations and conclusions, refer to the associated site audit report.*

*This form was approved under the Contaminated Land Management Act 1997 on 31<sup>st</sup> October 2012. For more information about completing this form, go to Part IV.*

## PART I: Site audit identification

Site audit statement no. GN 416-20

This site audit is a ~~statutory audit~~ ~~non-statutory audit~~ within the meaning of the *Contaminated Land Management Act 1997*.

Site auditor details (as accredited under the *Contaminated Land Management Act 1997*)

Name: Graeme Nyland Company: Ramboll Environ Australia Pty Ltd

Address: Level 3, 100 Pacific Highway (PO Box 560)

North Sydney NSW

Postcode: 2060

Phone: 02 9954 8100

Fax: 02 9954 8150

### Site details

Address: 13a Main Road, Boolaroo NSW

Postcode: 2284

Property description (*attach a list if several properties are included in the site audit*)

Part Lot 2 DP1127713 (Proposed Lot G – see Attachment at end of Part 1)

Local Government Area: Lake Macquarie

Area of site (e.g. hectares): 5,568m<sup>2</sup>

Current zoning: B4 (mixed use)

To the best of my knowledge, the site ~~is~~ ~~is not~~ the subject of a declaration, order, agreement or notice under the *Contaminated Land Management Act 1997* or the *Environmentally Hazardous Chemicals Act 1985*.

~~Declaration/Order/Agreement/Proposal/Notice~~ no(s):

NSW EPA Declaration of Remediation Site No. 21027 dated 10 September 2002 and Remediation Order 23008 dated 1 July 2003

*\*Strike out as appropriate*



Site audit commissioned by

Name: [Redacted] Company: Fitzwalter Group on behalf of Pasmenco Cockle Creek Smelter Pty Ltd

Address: PO Box 42, Boolaroo NSW Postcode: 2284

Phone: [Redacted] Fax: NA

Name and phone number of contact person (if different from above)

[Redacted]  
[Redacted]

Purpose of site audit

- [X] A. To determine land use suitability (please specify intended use[s]) Mixed uses, including residential

OR

- ~~[ ] B(i) To determine the nature and extent of contamination, and/or~~
- ~~[ ] B(ii) To determine the appropriateness of an investigation/remedial action/management plan<sup>s</sup>, and/or~~
- ~~[ ] B(iii) To determine if the land can be made suitable for a particular use or uses by implementation of a specified remedial action plan/management plan<sup>s</sup> (please specify intended use[s])~~

Information sources for site audit

Consultancy(ies) which conducted the site investigation(s) and/or remediation

- Fitzwalter Group Pty Ltd (Fitzwalter Group).
- RCA Australia (RCA).
- WSP Environmental & Energy (WSP).
- Golder Associates Pty Ltd (Golder).

Title(s) of report(s) reviewed:

- 'Site-wide Pre-remediation Groundwater Report – October 2010', January 2011, WSP.
- 'Environmental Monitoring Report (June 2014) – Former PCCS Facility, Boolaroo, NSW', 23 September 2014, Golder.
- 'Environmental Monitoring Report (December 2014) – Former PCCS Facility, Boolaroo, NSW', 20 April 2015, Golder.
- 'Groundwater Monitoring and Management Plan', 21 November 2014, Golder.
- 'Quality Assurance/Quality Control Review Parcel 5, Pasmenco Cockle Creek Smelter, Boolaroo, NSW', June 2015, RCA.
- 'Environmental Monitoring Report (June 2015) – Former PCCS Facility, Boolaroo, NSW', 20 April 2015, Golder.

\*Strike out as appropriate



- 'Lot 600 Validation Report, Former Pasminco Cockle Creek Smelter, Boolaroo', January 2016, RCA.
- 'Update of Activities Undertaken on Parcels 4 and 5 Sites Following Remediation and Validation, PCCS Boolaroo' 21 March 2016, RCA.
- 'Dam Summary Report for Parcel 4 and 5, PCCS Boolaroo' 27 April 2016, RCA.
- 'Proposed Lot G Summary Report, Former Pasminco Cockle Creek Smelter, Boolaroo', May 2016, RCA.
- 'Environmental Monitoring Report (December 2015) – Former PCCS Facility, Boolaroo, NSW', May 2016, Golder.

Other information reviewed (including previous site audit reports and statements relating to the site)

- 'Site Audit Report Remediation Action Plan, Parcel 5 - Smelter Site, Pasminco Cockle Creek', and Site Audit Statement GN416-2A, 27 August 2009, ENVIRON Australia Pty Ltd (ENVIRON) (now Ramboll Environ Australia Pty Ltd).
- 'Interim Advice Letter - Auditor Review of the Post-Remediation Groundwater Monitoring and Management Plan', PCCS, 24 November 2014 (ENVIRON).

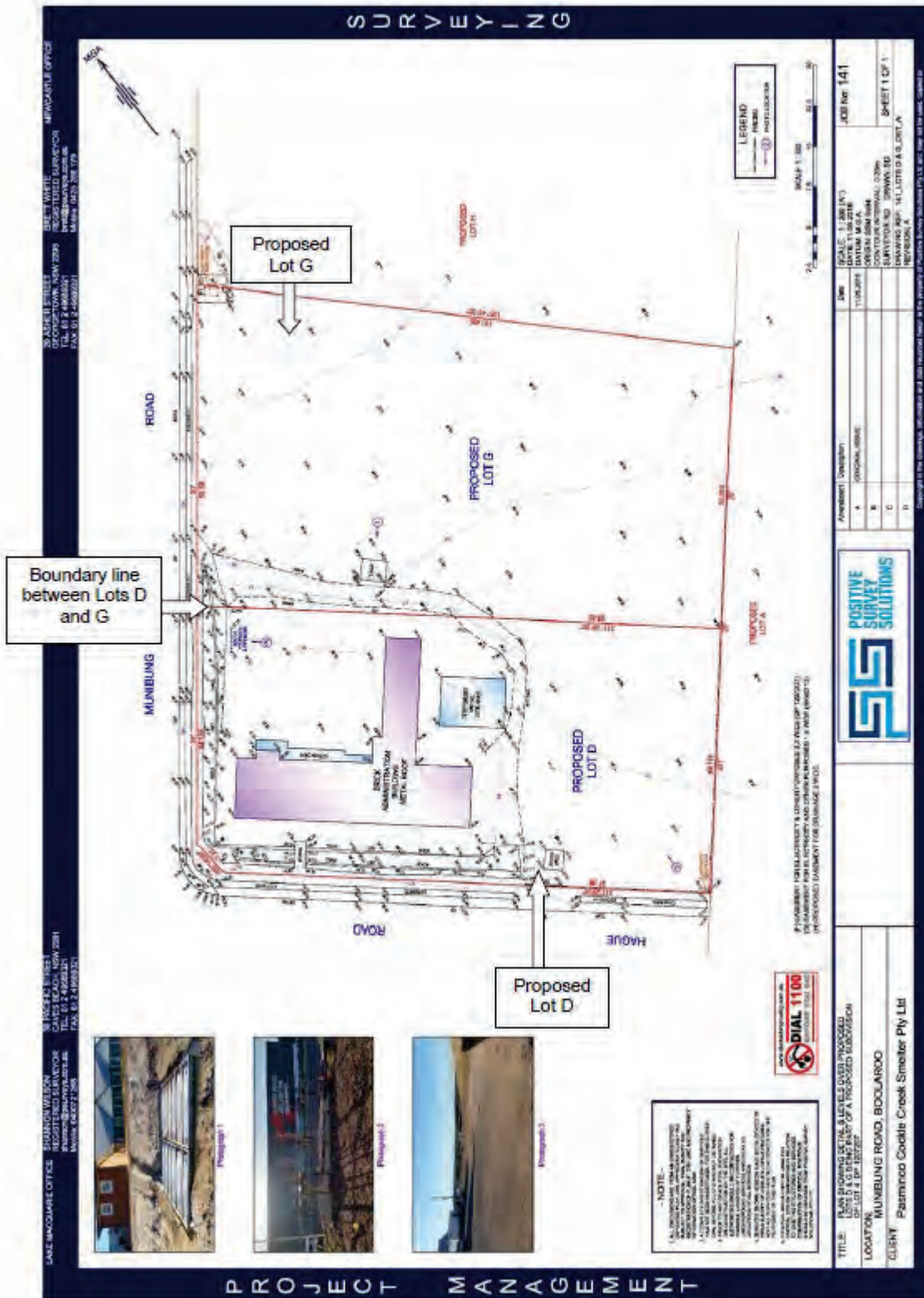
**Site audit report**

Title: Site Audit Report – Lot G, Pasminco Cockle Creek, Boolaroo, NSW

Report no. GN 416-20 (Ramboll Environ Ref: AS120933)

Date: July 2016

*\*Strike out as appropriate*



\*Strike out as appropriate



## PART II: Auditor’s findings

Please complete either Section A or Section B, not both. *(Strike out the irrelevant section.)*

Use Section A where site investigation and/or remediation has been completed and a conclusion can be drawn on the suitability of land use(s).

Use Section B where the audit is to determine the nature and extent of contamination and/or the appropriateness of an investigation or remedial action or management plan and/or whether the site can be made suitable for a specified land use or uses subject to the successful implementation of a remedial action or management plan.

### Section A

I certify that, in my opinion, the site is **SUITABLE** for the following use(s) *(tick all appropriate uses and strike out those not applicable):*

- ~~Residential, including substantial vegetable garden and poultry~~
- ~~Residential, including substantial vegetable garden, excluding poultry~~
- Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry
- Day care centre, preschool, primary school
- Residential with minimal opportunity for soil access, including units
- Secondary school
- Park, recreational open space, playing field
- Commercial/industrial
- ~~Other (please specify) .....~~

**subject to compliance with the following environmental management plan *(insert title, date and author of plan)* in light of contamination remaining on the site:**

OR

~~I certify that, in my opinion, the site is **NOT SUITABLE** for any use due to the risk of harm from contamination:~~

Overall comments:

The site was part of the Pasmenco Cockle Creek Smelter site. Soil contaminated with metals including lead, zinc and cadmium has been remediated by excavation and removed to a containment cell to the north of the site. The site was remediated and validated as part of Lot 600, which was subsequently proposed for subdivision to form Lots D and G. This Site Audit Statement has been prepared for the Lot G portion of former Lot 600.

The Pasmenco Cockle Creek Smelter site is subject to Declaration of Remediation Site 21027 dated 10 September 2002 and Remediation Order 23008 dated 1 July 2003. Remediation of the site undertaken to comply with the order has reduced the migration of metals from the site via air, surface water and groundwater to a negligible level.

As the groundwater may contain some metals contamination it should not be extracted for use without obtaining relevant approvals at the time. A moratorium on groundwater use may be placed on the site following completion of the Remediation Order, or restrictions may be placed on water use under planning regulations. If extraction is allowed, the water should be tested to verify that it is suitable for the proposed use.

~~Section B~~

~~Purpose of the plan<sup>1</sup> which is the subject of the audit~~

~~I certify that, in my opinion:~~

- ~~the nature and extent of the contamination HAS/HAS NOT<sup>\*</sup> been appropriately determined~~

~~AND/OR~~

- ~~the investigation/remedial action plan/management plan<sup>1</sup> IS/IS NOT<sup>\*</sup> appropriate for the purpose stated above~~

~~AND/OR~~

- ~~the site CAN BE MADE SUITABLE for the following uses (tick all appropriate uses and strike out those not applicable):~~

- ~~Residential, including substantial vegetable garden and poultry~~
- ~~Residential, including substantial vegetable garden, excluding poultry~~
- ~~Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry~~
- ~~Day care centre, preschool, primary school~~
- ~~Residential with minimal opportunity for soil access, including units~~
- ~~Secondary school~~
- ~~Park, recreational open space, playing field~~
- ~~Commercial/industrial~~
- ~~Other (please specify) .....~~

~~if the site is remediated/managed<sup>1</sup> in accordance with the following remedial action plan/management plan<sup>1</sup> (insert title, date and author of plan)~~

~~---~~

~~subject to compliance with the following condition(s):~~

~~---~~

\_\_\_\_\_

<sup>1</sup> For simplicity, this statement uses the term 'plan' to refer to both plans and reports.

<sup>\*</sup> Strike out as appropriate

**Overall comments**

...

**PART III: Auditor's declaration**

I am accredited as a site auditor by the NSW Environment Protection Authority under the *Contaminated Land Management Act 1997* (Accreditation No. 9808).

I certify that:

- I have completed the site audit free of any conflicts of Interest as defined in the *Contaminated Land Management Act 1997*, and
- with due regard to relevant laws and guidelines, I have examined and am familiar with the reports and information referred to in Part I of this site audit, and
- on the basis of inquiries I have made of those individuals immediately responsible for making those reports and obtaining the information referred to in this statement, those reports and that information are, to the best of my knowledge, true, accurate and complete, and
- this statement is, to the best of my knowledge, true, accurate and complete.

I am aware that there are penalties under the *Contaminated Land Management Act 1997* for wilfully making false or misleading statements.

Signed...



Date...

4/7/2016

## PART IV: Explanatory notes

*To be complete, a site audit statement form must be issued with all four parts.*

### How to complete this form

**Part I** identifies the auditor, the site, the purpose of the audit and the information used by the auditor in making the site audit findings.

**Part II** contains the auditor's opinion of the suitability of the site for specified uses or of the appropriateness of an investigation, or remedial action or management plan which may enable a particular use. It sets out succinct and definitive information to assist decision-making about the use(s) of the site or a plan or proposal to manage or remediate the site.

The auditor is to complete either Section A or Section B of Part II, **not both**.

In **Section A** the auditor may conclude that the land is *suitable* for a specified use(s) OR *not suitable* for any beneficial use due to the risk of harm from contamination.

By certifying that the site is *suitable*, an auditor declares that, at the time of completion of the site audit, no further remediation or investigation of the site was needed to render the site fit for the specified use(s). Any **condition** imposed should be limited to implementation of an environmental management plan to help ensure the site remains safe for the specified use(s). The plan should be legally enforceable: for example a requirement of a notice under the *Contaminated Land Management Act 1997* (CLM Act) or a development consent condition issued by a planning authority. There should also be appropriate public notification of the plan, e.g. on a certificate issued under s.149 of the *Environmental Planning and Assessment Act 1979*.

Auditors may also include **comments** which are key observations in light of the audit which are not directly related to the suitability of the site for the use(s). These observations may cover aspects relating to the broader environmental context to aid decision-making in relation to the site.

In **Section B** the auditor draws conclusions on the nature and extent of contamination, and/or suitability of plans relating to the investigation, remediation or management of the land, and/or whether land can be made suitable for a particular land use or uses upon implementation of a remedial action or management plan.

By certifying that a site *can be made suitable* for a use or uses if remediated or managed in accordance with a specified plan, the auditor declares that, at the time the audit was completed, there was sufficient information satisfying guidelines made or approved under the CLM Act to determine that implementation of the plan was feasible and would enable the specified use(s) of the site in the future.

For a site that *can be made suitable*, any **conditions** specified by the auditor in Section B should be limited to minor modifications or additions to the specified plan. However, if the auditor considers that further audits of the site (e.g. to validate remediation) are required, the auditor must note this as a condition in the site audit statement.

Auditors may also include **comments** which are observations in light of the audit which provide a more complete understanding of the environmental context to aid decision-making in relation to the site.

In **Part III** the auditor certifies his/her standing as an accredited auditor under the CLM Act and makes other relevant declarations.

### Where to send completed forms

In addition to furnishing a copy of the audit statement to the person(s) who commissioned the site audit, statutory site audit statements must be sent to:

**EPA (NSW)**  
Contaminated Sites Section  
PO Box A290, SYDNEY SOUTH NSW 1232  
nswauditors@epa.nsw.gov.au

AND

the **local council** for the land which is the subject of the audit.

Version: October 2012

## Attachment 7



## 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**

## **Attachment 8**

**Attachment 8: Assessment against Hunter Regional Plan 2041 Strategies**

**OBJECTIVE 1: Diversify the Hunter’s mining, energy and industrial capacity**

<b>Strategy 1.1 Planning proposals for mine or power station sites identified as regionally significant growth areas will be supported by a place strategy which demonstrates how the proposal will</b>	<b>Compliance</b>
<ul style="list-style-type: none"> <li>maximise employment generation or will attract visitors to the region.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>make use of voids and/or site infrastructure such as rail loops, hard stand areas, power, water and road access.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>support the growth of adjoining industrial areas or settlement areas.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>enhance corridors within the landscape such as biodiversity corridors or disused infrastructure corridors.</li> </ul>	N/A
<ul style="list-style-type: none"> <li>complement areas with special amenity value such as critical industry clusters, open space, villages and residential areas</li> </ul>	Yes
<ul style="list-style-type: none"> <li>have considered the existing and likely future uses of adjoining land and avoid land use conflict.</li> </ul>	Yes
<ul style="list-style-type: none"> <li>align with any specific guidance in the district planning priorities section of this plan</li> </ul>	Yes
<b>Strategy 1.4 Planning proposals for new employment lands will demonstrate they:</b>	<b>Compliance</b>
<ul style="list-style-type: none"> <li>are located in areas which will not result in land use conflict.</li> </ul>	Yes
<ul style="list-style-type: none"> <li>can be adequately serviced and any biodiversity impacts are manageable</li> </ul>	Yes
<ul style="list-style-type: none"> <li>respond to the employment land needs identified for that local government area.</li> </ul>	Yes

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

No relevant PP matters

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

<b>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:</b>	<b>Compliance</b>
business premises	N/A
restaurants or cafes	N/A
take-away food and drink premises	N/A
neighbourhood shops and supermarkets	N/A
educational establishments	N/A
early education and care facilities	N/A
health services facilities	N/A
markets	N/A
community facilities	N/A
recreation areas	N/A
<b>Strategy 3.2 Planning proposals will incorporate:</b>	
<ul style="list-style-type: none"> <li>a small neighbourhood centre if the proposed residential yield exceeds 1,500 dwellings or</li> </ul>	N/A
<ul style="list-style-type: none"> <li>a large neighbourhood centre if the proposed residential yield exceeds 4,000 dwellings.</li> </ul>	N/A
The neighbourhood centre will:	N/A

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

**OBJECTIVE 4: An inter-connected and globally-focused Hunter without car dependent communities**

Strategy 4.10 Planning proposals will:	Compliance
<ul style="list-style-type: none"> <li>• align with the growth of defence, aeronautics, aerospace, freight and logistics capacity at Williamtown and the Port of Newcastle, taking into consideration the Port of Newcastle Port Master Plan 2040;</li> </ul>	N/A
<ul style="list-style-type: none"> <li>• maximise opportunities to increase capacity to manage freight through the ports/airports and provide access to new markets; and</li> </ul>	N/A
<ul style="list-style-type: none"> <li>• protect ports and airports via assessment of the impacts of development on the port/airport to avoid land limiting their future growth.</li> </ul>	N/A
<b>Strategy 4.11 Planning proposals must not undermine the long-term capacity of inter-regional connections to meet future freight and logistics movements.</b>	Yes
<b>Strategy 4.13 Planning proposals will not allow incompatible land uses that could affect the long-term growth of defence -related assets, key strategic links and training areas.</b>	N/A

**OBJECTIVE 5: Plan for ‘nimble neighbourhoods’, diverse housing and sequenced development**

Strategy 5.3 Planning proposals will not prohibit the following housing typologies within residential zones that apply to urban core, general urban, inner suburban and general suburban contexts:	Compliance
attached dwellings	N/A
boarding houses	N/A
dual occupancies	N/A
group homes	N/A
multi dwelling housing	N/A
secondary dwellings	N/A
semi-detached dwellings.	N/A

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

	Compliance
<b>Strategy 6.3 Planning proposals will ensure the biodiversity network is protected within an appropriate conservation zone unless an alternate zone is justified following application of the avoid, minimise, offset hierarchy.</b>	N/A
<b>Strategy 6.4 Planning proposals should promote enterprises, housing and other uses that complement the biodiversity, scenic and water</b>	N/A

	Compliance
<p><b>Strategy 6.3</b> Planning proposals will ensure the biodiversity network is protected within an appropriate conservation zone unless an alternate zone is justified following application of the avoid, minimise, offset hierarchy.</p> <p>quality outcomes of biodiversity corridors. Particularly, where they can help safeguard and care for natural areas on privately owned land.</p>	N/A
<p><b>Strategy 6.11</b> Planning proposals will demonstrate that development within a drinking water catchment or sensitive receiving water catchment will achieve a neutral or beneficial effect on water quality.</p>	N/A

**OBJECTIVE 7: Reach net zero and increase resilience and sustainable infrastructure**

<p><b>Strategy 7.5</b> Planning proposals will: protect sensitive land uses from sources of air pollution, such as major roads, railway lines and designated freight routes, using appropriate planning and development controls and design solutions to prevent and mitigate exposure and detrimental impacts on human health and wellbeing.</p>	N/A
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**OBJECTIVE 8: Plan for businesses and services at the heart of healthy, prosperous and innovative communities**

	Compliance
<p><b>Strategy 8.2</b> 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>	Yes
<p><b>Strategy 8.6</b> Planning proposals to facilitate tourism activities will:</p> <ul style="list-style-type: none"> <li>• demonstrate that the scale and type of tourism land use proposed can be supported by the transport network and complements the landscape setting</li> </ul>	N/A
<ul style="list-style-type: none"> <li>• be compatible with the characteristics of the site and existing and likely future land uses in the vicinity of the site</li> </ul>	N/A
<ul style="list-style-type: none"> <li>• demonstrate that the tourism land use would support the function of nearby tourism gateways or nodes</li> </ul>	N/A
<ul style="list-style-type: none"> <li>• be supported by an assessment prepared in accordance with the Department of Primary Industries' Land Use Conflict Risk Assessment Guide if the use is proposed on or in the vicinity of rural zoned lands.</li> </ul>	N/A

**OBJECTIVE 9: Sustain and balance productive rural landscapes**

	Compliance
<p><b>Strategy 9.1</b> Planning proposals will consider the location of mineral and energy resources, mines and quarries and ensure sensitive land uses would not encroach on those operations. A noise study may be required to demonstrate impacts on the operations can be avoided or mitigated.</p>	N/A
<p><b>Strategy 9.6</b> Planning proposals to expand rural town and village growth boundaries will be supported by an assessment prepared in accordance with the Department of Primary Industries' Land Use Conflict Risk Assessment Guide to limit or avoid conflicts between residential uses and agricultural activities.</p>	N/A
<p><b>Strategy 9.4</b> Planning proposals for lands within or near critical industry cluster land will demonstrate they are</p> <ul style="list-style-type: none"> <li>• compatible with equine and viticultural activities and:</li> </ul>	N/A

	Compliance
<ul style="list-style-type: none"> <li>• complements scenic values, visual amenity and local character</li> </ul>	Yes
<ul style="list-style-type: none"> <li>• provides suitable separation distances for sensitive uses, like tourist accommodation, having regard to spray, noise, and lighting considerations</li> </ul>	N/A
<ul style="list-style-type: none"> <li>• considers existing and likely future agricultural and rural uses of adjoining lands and the cumulative impact of similar proposals on the locality.</li> </ul>	N/A