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Planning Proposal

Submitted under Section 3.33 of the Environmental Planning & Assessment Act 1979 (as amended)

Draft Amendment to Lake Macquarie LEP 2014

Proposed Rezoning of Vacant and Disturbed Land

From Zone E3 Environmental Management to Zone IN2 Light Industrial



Lot 100 DP 717604
87 Oakdale Road
Gateshead NSW

Prepared for Oakdale Group
JW Planning Ref # 1521771
June 2020

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PRECIS

This Planning Proposal seeks to enable the orderly and economic use of vacant and disturbed land for employment purposes adjacent to similarly zoned land in the established Gateshead employment area.

The proposal constitutes a site specific amendment to the Lake Macquarie Local Environmental Plan 2014 to enable development of the land in a manner compatible with the attributes of the land and the surrounding environment.

The Planning Proposal is consistent with the Hunter Regional Plan (HRP), the Greater Newcastle Metropolitan Plan (GNMP), and the objectives of Lake Macquarie City Council Local Strategic Planning Statement (LMCC LSPS).

1.0 INTRODUCTION

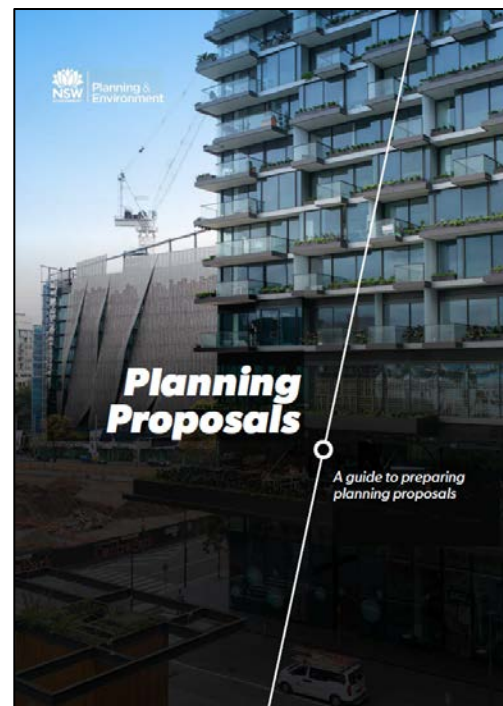
The purpose of this planning proposal is to seek an amendment to Lake Macquarie Local Environmental Plan 2014 to apply an appropriate land use zone to vacant and cleared land that is adjacent to an established Light Industrial and employment area.

An amendment to the land use zone will better facilitate the relevant Objects of the Environmental Planning and Assessment Act 1979, namely to promote the social and economic welfare of the community, and the orderly and economic use and development of land.

The Planning Proposal is prepared in accordance with the criteria set out in the NSW Planning & Environment: *A Guide to Preparing Planning Proposals*.

The Planning Proposal therefore comprises information in the following areas:

- Site and Context
- Objectives or Intended Outcomes
- Explanation of Provisions
- Justification
- Mapping
- Community Consultation



2.0 SITE & CONTEXT

2.1 Site Context

The planning proposal involves land known as 87 Oakdale Road Gateshead ('the site') (see **Figure 1**).

Figure 1 Site and Context

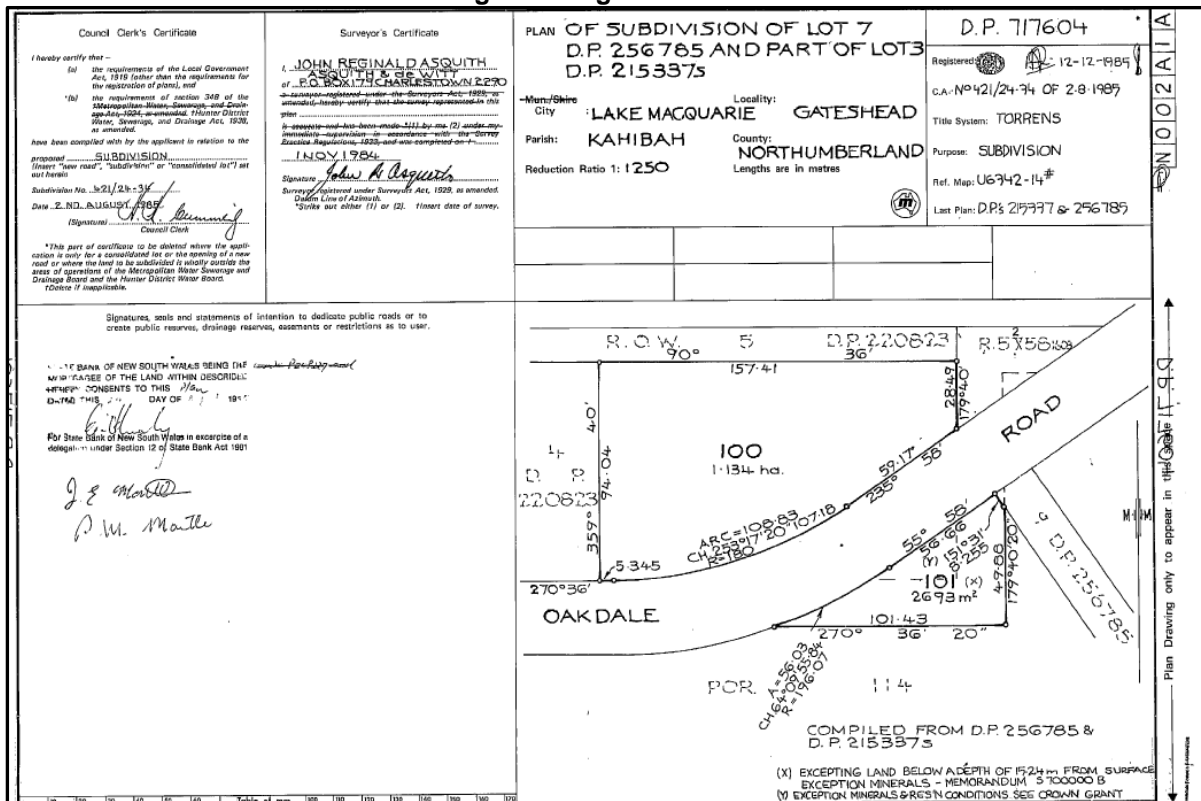


Source: Nearmap annotated by JWP

Land to the west of the site is an established light industrial area, while land to the north of the site is Council land that is adjacent to an extensive area of vegetated Crown land under the care and control of Urban Growth. Land opposite and to the south of the site (across Oakdale Road) is operated by Mantle Quarry for gravel extraction.

The site is legally described as Lot 100 DP717604, and comprises 1.34ha of land with an unformed frontage of some 173m to Oakdale Road. The site is not encumbered by easements or restrictions (see **Figure 2**).

Figure 2 Registered Plan



2.2 Site Description

The site is vacant and predominately clear of vegetation (see **Figure 3**). It is understood that the land may have historically been used for the informal storage of building and construction equipment.

Figure 3 Subject Site



Source: Nearmap January 2020 annotated by JWP

The site is elevated above the adjoining light industrial land uses to the west. Consequently, land within the site slopes gently downward from east to west, draining naturally toward the neighbouring land parcel which contains a plant nursery and landscape supply business, '*Poppies Home and Garden*'.

Photos of the site illustrate the cleared nature of the land, the gentle fall toward the adjoining light industrial land, existing access to the site, and the extent of existing drainage provisions within Oakdale Road (see **Figure 4** to **Figure 9**).

Figure 4 View West toward Adjoining IN2 Zoned Land Uses



Figure 5 View North along Western Boundary with IN2 Zone



Figure 6 View East toward unformed Oakdale Road frontage



Figure 7 View from Oakdale Road at Access Point



Figure 8 Formed Road Shoulder and Drainage West of the Site



Figure 9 Development in Proximity to Subject Site

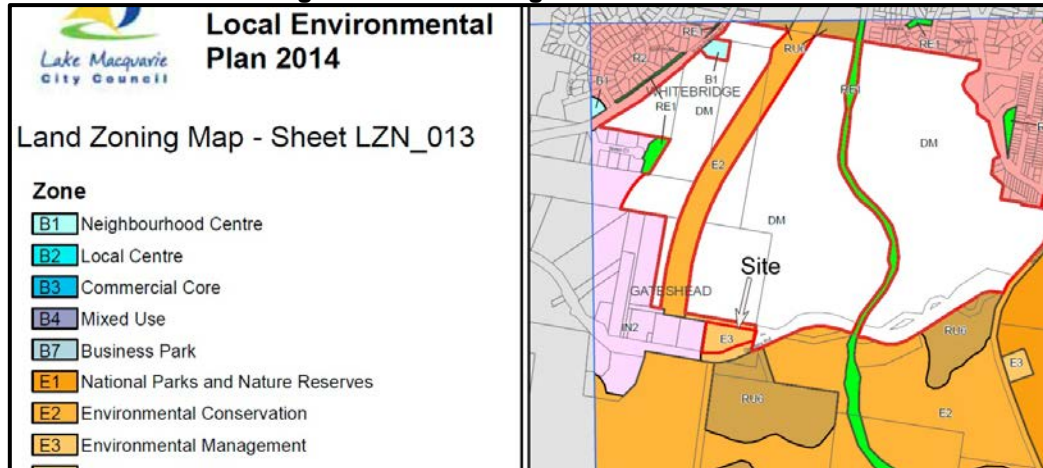


Source Google Streetview

2.3 Planning Framework

The site is currently zoned E3 Environmental Management under the LMCC LEP 2014 (see **Figure 10**).

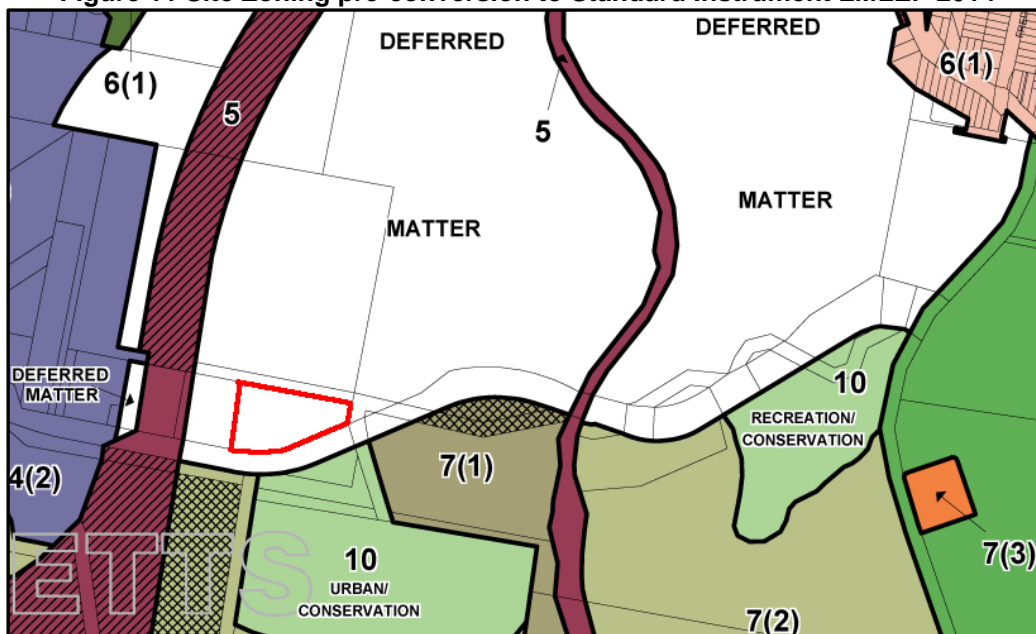
Figure 10 Site Zoning under LMLEP 2014



Source LMCC LEP 2014 (as amended)

The E3 Environment Management zoning was applied to the land during the administrative amendment to implement the NSW Standard Instrument LEP in 2014. Under Lake Macquarie LEP 2004, the land was zoned 'Deferred Matter' in line with the zoning applied to the extensive area of Crown land (see **Figure 11**).

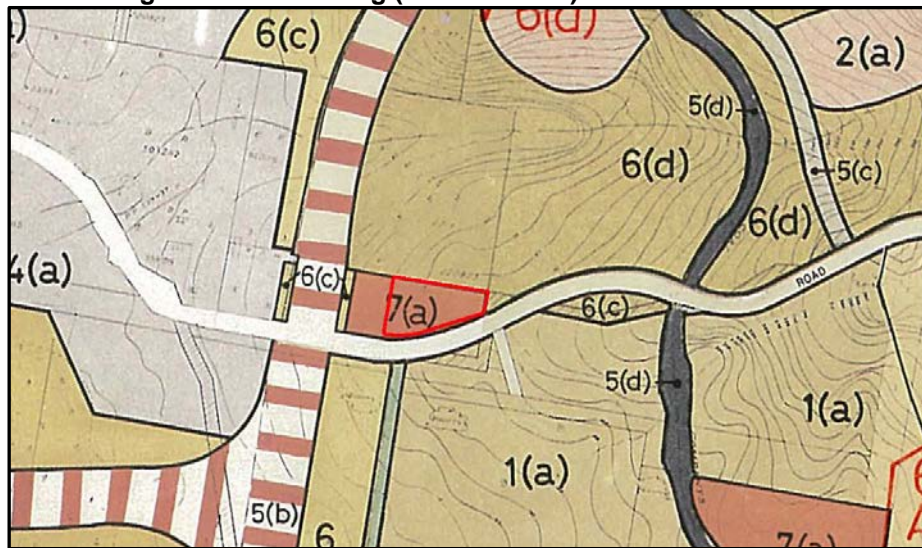
Figure 11 Site Zoning pre-conversion to Standard Instrument LMLEP 2014



Source LMCC LEP 2004 (repealed)

Rather than as a result of any specific site assessment, it appears likely the E3 Environmental Management zone was applied to the land as a 'best fit or equivalent' to the zoning that underlie the Deferred Matter; that is, the 7(a) Scenic Protection Zone that applied to the site under the Lake Macquarie LEP 1984 (see **Figure 12**).

Figure 12 Site Zoning (in red outline) under LMLEP 1984



Source LMCC LEP 1984 (repealed)

It is understood that the 7(a) Scenic Protection zone applied to the site under the LMLEP 1984 in an endeavour to protect visual amenity given the proposal for a major intersection between Oakdale Road and the now abandoned east Charlestown bypass (depicted as zone 5(b) in **Figure 12**). The purpose of the 7(a) Scenic Protection zone consequently fell away upon the state government's abandonment of the east Charlestown bypass route in the mid-1990s.

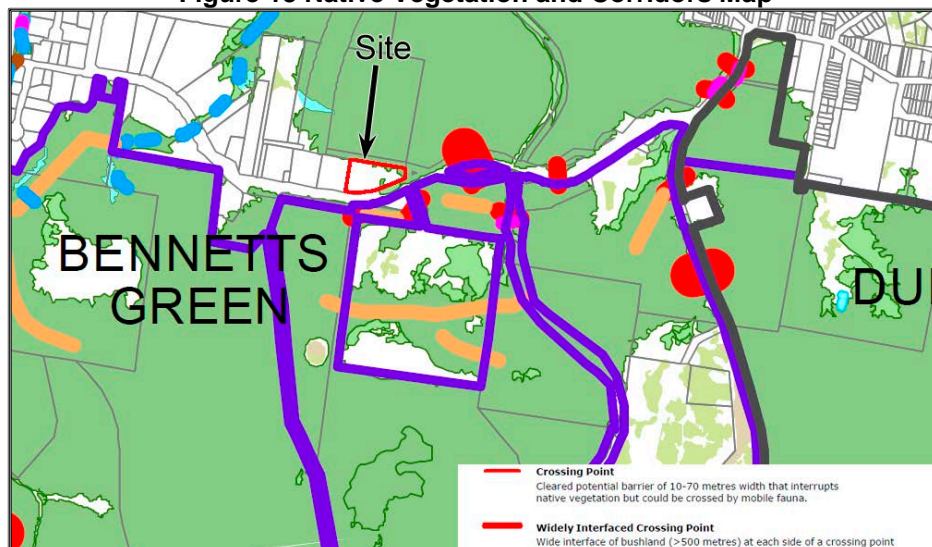
Development standards also apply to the site (relevantly, building height and minimum lot size), as discussed in **Section 4.0**.

2.4 Environmental Features of the Site

Ecological significance

The land has been predominately clear of vegetation for decades. Lake Macquarie Council's Native Vegetation and Corridors mapping recognises the site as devoid of vegetation or corridor linkages (see **Figure 13**).

Figure 13 Native Vegetation and Corridors Map



Source: LMCC Native Vegetation and Corridors Map

Bushfire Threat

The site is mapped as bushfire prone land (see **Figure 14**). If the zoning of the land is amended to enable Light Industrial development, the current Planning for Bushfire Guidelines 2020 do not contain requirements for industrial land uses. Nonetheless, depending on the use of the land, mitigation measures such as Asset Protection Zones can be implemented as part of future development plans for any uses that require compliance measures

Figure 14 Bushfire Prone Land

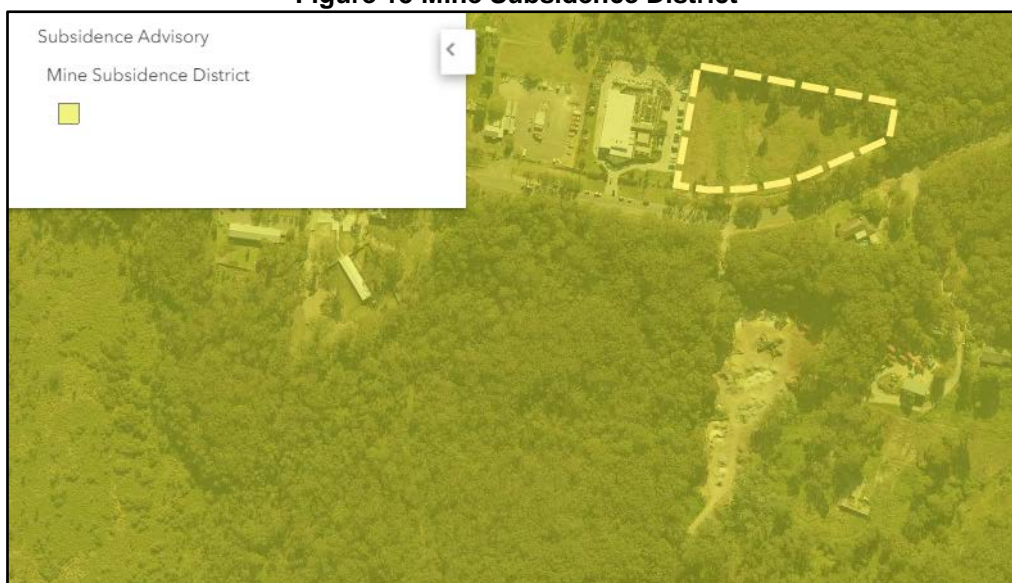


Source: NSW Planning Portal

Mine Subsidence

The site is mapped within a Mine Subsidence District. Future development will require referral to the Subsidence Advisory NSW to ensure built form specifications are applied (see **Figure 15**).

Figure 15 Mine Subsidence District

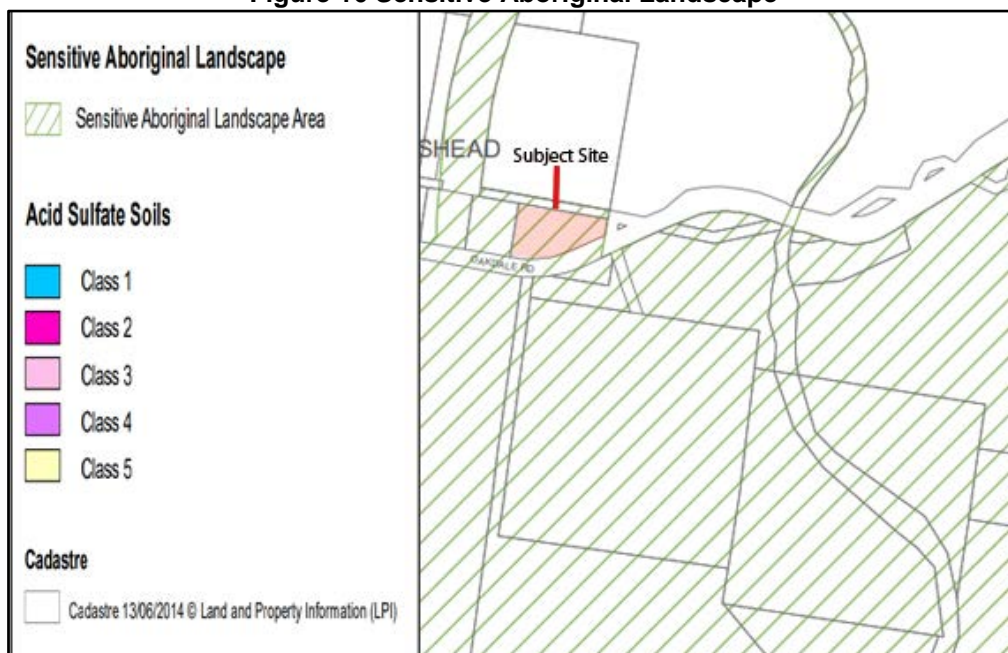


Source: NSW Planning Portal

Cultural Heritage

The site is mapped within an Aboriginal Sensitive Landscape (see **Figure 16**), meaning that development proposals must assess and respond to the potential for cultural significance. The site is highly disturbed by historical site preparation works to enable storage activities, and it is unlikely that an assessment will determine limitations to development on the land for cultural heritage reasons.

Figure 16 Sensitive Aboriginal Landscape



Source: LMCC LEP 2014

2.5 Consultation

JW Planning consulted with Council during 2015, culminating in a letter to Council dated 23 November 2015 to seek clarification as to the prospect of various land uses under the existing zoning, and the prospect of rezoning the land, given identified limitations to the practical and feasible use of the site under the current land use zone. Council responded in correspondence dated 21 December 2015 (Ms Angel Troke).

In March 2020, the landowner enquired as to a range of land use options for which demand exists, and JW Planning further consulted with Hannah Benson and Samantha Hardie of Council to discuss the Planning Proposal process.

JW Planning has also consulted with Utility providers to determine the location of gas, communications, sewer and water, and electricity infrastructure relative to the site. All services are available to the site, and the location of assets does not curtail or preclude the use of the land.

3.0 OBJECTIVES AND INTENDED OUTCOMES

The existing E3 Environmental Management land use zone appears to be derived from historical considerations that no longer apply under a contemporary planning framework (as described in **Section 2.3**).

The objective of the proposal is to replace the land use zone applicable under Lake Macquarie LEP 2014 with a land use zone that will permit a range of light industrial land uses compatible with the historically disturbed environment of the site and the surrounding land uses.

The key objectives of the proposal are therefore to:

- Provide a land use zone with development standards that complement the surrounding land uses and are commensurate with the attributes of the site; and
- Facilitate investment in land uses that enable employment generation

4.0 EXPLANATION OF PROVISIONS

To meet the objectives of the planning proposal, it is proposed to amend Lake Macquarie Local Environmental Plan 2014 zoning map **LZN_13** in accordance with the proposed zoning map provided at **Figure 17** so that Lot 100 DP717604 is zoned *IN2 Light Industrial*. Under Clause 2.3 of the Lake Macquarie LEP 2014, the IN2 Light Industrial zone reads as follows:

Lake Macquarie Local Environmental Plan 2014

Current version for 17 April 2020

Zone IN2 Light Industrial

1 Objectives of zone

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*
- *To enable ancillary commercial uses if such uses will not undermine the function of existing and future urban centres.*

2 Permitted without consent

Nil

3 Permitted with consent

Depots; Garden centres; Hardware and building supplies; Industrial training facilities; Light industries; Medical centres; Neighbourhood shops; Oyster aquaculture; Places of public worship; Roads; Take away food and drink premises; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Air transport facilities; Airstrips; Amusement centres; Boat launching ramps; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes; Exhibition villages; Extensive agriculture; Extractive industries; Farm buildings; Food and drink premises; Forestry; Function centres; Funeral homes; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home occupations; Industries; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Kiosks; Marinas; Markets; Mooring pens; Moorings; Office premises; Open cut mining; Pond-based aquaculture Public administration buildings; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Shops; Specialised retail premises; Tourist and visitor accommodation; Waste disposal facilities; Water recreation structures

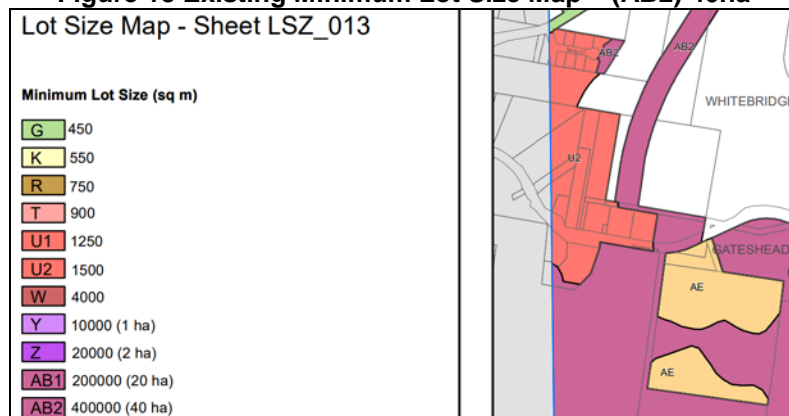
Figure 17 Proposed Zoning Map – IN2 Light Industrial
Land Zoning Map - Sheet LZN_013



Source: Lake Macquarie LEP 2014 modified by JWP

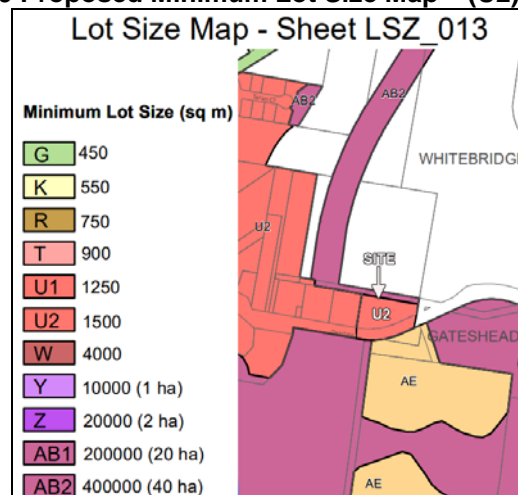
In addition, it is proposed to amend the associated Minimum Lot Size map (**LSZ_13**) and Maximum Building Height map (**HOB_13**) to ensure the development standards applicable to the site remain commensurate with the adjoining IN2 Zone (refer **Figures 18 to 21**).

Figure 18 Existing Minimum Lot Size Map – (AB2) 40ha



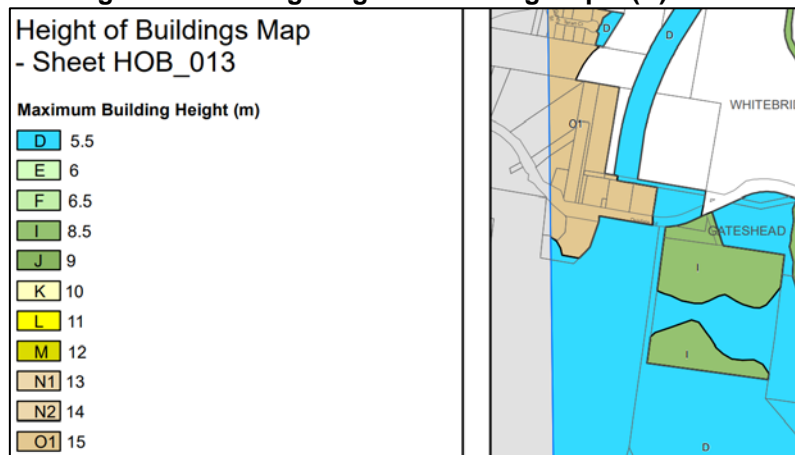
Source: Lake Macquarie LEP 2014

Figure 19 Proposed Minimum Lot Size Map – (U2) 1500SQM



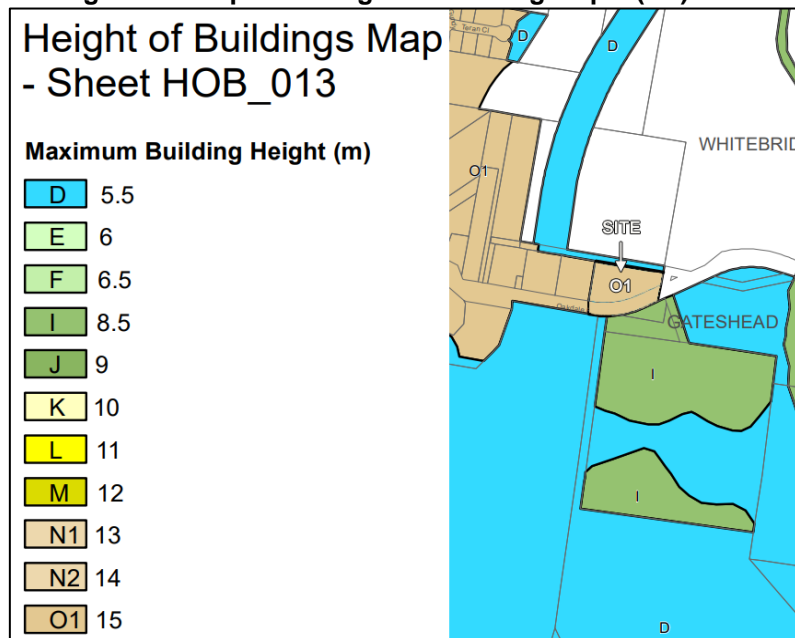
Source: Lake Macquarie LEP 2014 modified by JWP

Figure 20 Existing Height of Building Map – (D) 5.5m



Source: Lake Macquarie LEP 2014

Figure 21 Proposed Height of Building Map – (O1) 15m



Source: Lake Macquarie LEP 2014 modified by JWP

No other amendments to the Lake Macquarie LEP 2014 instrument and maps are considered necessary to meet the objectives of the proposal.

5.0 JUSTIFICATION FOR PROPOSED ZONING

To establish the need for the planning proposal, **the following questions**, established by the Department of Planning's *A guide to preparing planning proposals (2012)*, are responded to as follows:

Q1. Is the planning proposal a result of any strategic study or report?

While the site is not explicitly identified within any strategic study or report, rezoning the site from E3 Environmental Management to IN2 Light Industry will facilitate the broader land use and socio-economic objectives of the Lower Hunter and Lake Macquarie Strategic Planning framework.

At 1.34ha in area, the site has the potential to make a small but important contribution to the availability of sustainably located employment land in the Lake Macquarie LGA.

This is for reason that:

- the site is vacant, historically disturbed, and clear of vegetation, meaning employment land uses will complete with or displace other potential land values;
- the site adjoins existing and established IN2 zoned employment land, thereby forming part of a broader employment hub that is sustainably located close and central to residential areas and employment supporting land uses (for example, service providers such as child-care, and suppliers such as couriers, food and drink premises for employees etc.);
- the site has frontage and access to a sub arterial standard of road; and
- the site has access to capacity within existing public and private infrastructure. For example, there is access to an existing road drainage network.

A review of the former zoning scheme and anecdotal information suggests that the site became isolated from the surrounding land use zoning scheme by administrative decisions during former city wide LEP amendments rather than as a result of specific site investigation. This planning proposal enables proper site specific assessment to resolve the land use limitations that currently exist.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Consultation over time with Lake Macquarie Council consistently indicates that a planning proposal to apply an IN2 zone will provide consistency with the adjoining land use zone and enable the broadest diversity of land uses likely to be suitable given the sites location and characteristics.

With an appropriate land use zone, the objectives will more clearly indicate land value and land use permissibility which will in turn encourage an optimum level of investment in employment land. Under the current E3 Management Zone, the objectives are less conducive to land uses with employment potential, introducing uncertainty in the Development Application process and reducing investment potential.

An amendment to the existing LEP is the most appropriate mechanism to recognize (and endorse) the underlying potential of the site.

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The proposal is consistent with the Hunter Regional Plan 2036 (2016) and the Greater Newcastle Metropolitan Plan 2036 (September 2018).

Hunter Regional Plan 2036 (2016)

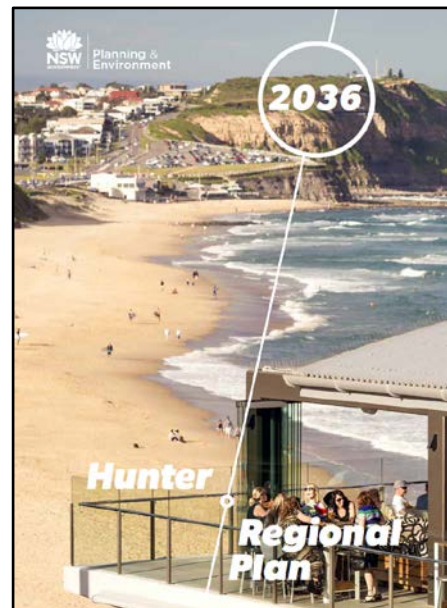
The Hunter

The Hunter has the largest share of both regional population and regional employment and is in the State's fastest growing corridor- from the northern edge of Sydney to Newcastle. The projected population along this corridor is estimated to be 1.1 million by 2036.

The HRP aims to build economic prosperity across the entire region, over the next 20 years Greater Newcastle must leverage emerging macro trends that include growing demand in Asia for agricultural produce, increasing environmental tourism, and greater demand for education and innovation in medical research.

Lake Macquarie

Lake Macquarie Local Government Area comprises the southern portion of the Greater Newcastle metropolitan area. It is the largest city in the Lower Hunter by population.



The population as of 2016 is 202,350 and is projected to increase to 226,800 by 2036 (an increase in population of 24,450). Employment as of 2016 is 66,860 and is projected to increase to 78,601 (an increase in employment of 13,700 jobs).

The Hunter Regional Plan (HRP) provides four (4) Goals for the region:

1. The leading regional economy in Australia,
2. A biodiversity-rich natural environment,
3. Thriving Communities, and
4. Greater Housing Choice and jobs.

Each goal outlines certain directions for the region and actions to enable each direction to be realised. Where relevant, the Goals, Directions and Actions are addressed hereunder:

Goal 1 The Leading regional economy in Australia

The Hunter is the largest regional economy in Australia, ranking above Tasmania, the Northern Territory and the Australian Capital Territory in terms of economic output. It drives around 28 per cent of regional NSW's total economic output and is the largest regional contributor to the States gross domestic product. The region has an estimated 322,000 jobs and this projected to increase to 384,000 by 2036. There is potential to achieve high jobs growth by planning for more diversified use of employment.

The plan aims to strengthen the region's economic resilience, protect its well-established economic and employment bases, and build on its existing strengths to foster greater market and industry diversification.

The development of strategic employment centres is a priority across Greater Newcastle, including revitalising Newcastle City Centre and enhancing specialist centres like the University of Newcastle, John Hunter Hospital, the Port of Newcastle and Newcastle Airport. Growth in these centres will expand the regional economy and support more jobs close to where people live.

Australia's Smart Specialisation Strategy for the Hunter Region (2016) identified the following growth areas:

- Advanced manufacturing;
- Creative industries;
- Defence;
- Food and agribusiness;
- Mining equipment, technology and services;
- Medical technologies and pharmaceuticals and;
- Oil, gas and energy resources.

Direction 1 - Grow Greater Newcastle as Australia's next metropolitan city

The aim is to develop the potential of the city and leverage its competitive advantages for the long-term growth of the region and the State and national economies.

Action 1.1 is to focus investment to unlock potential in growth and increase economic diversification (among other points).

The proposal is consistent with this action. An objective of the current E3 Environmental Management zone applicable to the site is to manage areas of special ecological, scientific, cultural or aesthetic values. Given the disturbed and cleared condition of the land, such values are likely to be limited or non-existent, whereas the proposed IN2 land use zone will contribute to the land available for economic growth and diversification consistent with the Goals of the HRP 2036.

Goal 2 A biodiversity-rich natural environment

The Hunter's diverse natural environment includes some of the most unique ecological systems in Australia. Good planning design will be fundamental to protecting the environment and building greater resilience to natural hazards and climate change.

The proposal is consistent with this goal. The proposed zoning will enable economic land uses on historically disturbed land that is unlikely to comprise significant biodiversity values.

Goal 3: Thriving Communities

The Hunter is home to some of the most diverse communities in NSW and their distinctive character is a significant competitive advantage for the region. The Hunter contains natural features that are important areas of cultural heritage for Aboriginal communities.

Direction 19 - Identify and protect the region's heritage

Cultural heritage is important to communities by providing tangible connections to the past.

Action 19.1 - consult with the local Aboriginal communities to identify and protect heritage values to minimise the impact of urban growth and development, and to recognise their contribution to the character and landscape of the region.

The proposal involves land that is mapped as part of a sensitive aboriginal landscape. Due diligence is required conducted prior to any development of the land, notwithstanding the land is disturbed and unlikely to contain in situ evidence cultural significance.

Goal 4: Greater Housing Choice and Jobs

An additional 70,000 dwellings will be needed in the region by 2036.

It will be necessary to identify and protect employment lands to support the regional economy and to capitalise on its strengths.

Direction 24 - Protect the economic functions of Employment Land

Industry clusters close to the Hunter's inter-regional transport networks and global gateways will improve efficiencies and make the region more attractive for investment. Employment land that 'shovel ready' will be more attractive to new business.

Action 24.1 - locate new employment land so that it does not conflict with surrounding residential uses.

The proposal involves land that is vacant and already disturbed. The site has access to existing utilities and supporting infrastructure, and subject to Development Consent, is "shovel ready" for light industrial development. Located adjacent existing IN2 zoned land, and with the proposed IN2 zone permitting only light industrial land uses, there is minimal potential for conflict with surrounding residential uses.

Greater Newcastle Metropolitan Plan 2036 (2018)

Implementation of the Greater Newcastle Metropolitan Plan (GNMP) is detailed in four (4) outcomes, with different strategies under each outcome aimed at driving sustainable growth across the region.

The GNMP identifies that the region is transitioning to a service creative and knowledge city.

The plan builds on the regions dynamic and vibrant city centre, its strong industrial employment base, its diversified economy and lifestyles. It responds to changing global economic trends, such as new smart technology, creative and sharing economies, the aging population and global connectedness.



The proposal is consistent with the GNMP to the extent that additional land will be available and shovel ready for land uses that could accommodate a workforce skilled and ready for the new Economy.

Q4. Is the proposal consistent with a Councils local strategy or other local strategic plan?

The Lake Macquarie City Local Strategic Planning Statement (LSPS) aims for Lake Macquarie to be one of the most productive, adaptable, sustainable and liveable places in Australia.

The Strategy recognises that attracting and keeping skilled workers within the City is a precursor to the attraction of investment capital and jobs growth.

The site is located in the North East Growth Area of the City, which is proposed to facilitate increased density and diversity of housing

The proposal will contribute to the availability of 'shovel ready' employment land in the Gateshead urban intensification area; a location that is sustainably located close to existing residential areas, and supporting land uses such as service providers and existing supply chains.



Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The following table summarises the State Environmental Planning Policies (SEPPs) relevant to consider in the context of the planning proposal.

Potentially Relevant SEPPs	Relevant Provisions	Is the Proposal Consistent?	Relevance to Planning Proposal
19 - Bushland in Urban Areas	Clause 10	Yes	The proposal involves disturbed land predominately clear of bushland, such that the proposal is unlikely to adversely impact on the value of bushland.
55 - Remediation of Land	Clause 6	Yes	The site consists of vacant, disturbed land. Without certainty as to the site history, an environmental assessment will be necessary to inform the rezoning process and identify any matters than need to be resolved.
Aboriginal Land 2019	Nil	N/A	The subject site is not mapped on the land application map of the SEPP.
Coastal Management 2018	Nil	N/A	The subject site is not mapped on the land application map of the SEPP.
Koala Habitat Protection 2019	Nil	N/A	Lake Macquarie is listed in Schedule 1 of the SEPP as an LGA to which this policy applies. Nonetheless, the site is not considered to form part of a vegetated area known to have Koala or Koala feed trees, or provide long term sustainable habit for Koala.
Vegetation in Non-Rural Areas 2017	Nil	N/A	The SEPP applies to the land but is not applicable to the assessment of the planning proposal.

Q6. Is the planning proposal consistent with applicable Ministerial Directions?

The following table provides justification of the planning proposal against the relevant and applicable Section 9.1 (2) (cf s117 (2)) Ministerial Directions.

Ministerial Direction 1.1 - Business and Industrial Zones

The objectives of this Ministerial Direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified centres.

1.1 Business and Industrial Zones

A Planning Proposal must:	Planning Proposal Compliance
(a) give effect to the objectives of this direction,	Noted.
(b) retain the areas and locations of existing business and industrial zones,	Existing areas and locations will be retained.
(c) not reduce the total potential floor space area for employment uses and related public services in business zones,	N/A
(d) not reduce the total potential floor space area for industrial uses in industrial zones, and	The proposal will not reduce the floor space of the industrial zone
(e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.	The proposal is in accordance the Lake Macquarie Local Strategic Planning Strategy.

Ministerial Direction 2.3 - Heritage Conservation

The objective of this Ministerial Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

2.3 Heritage Conservation

A Planning Proposal must contain provisions that facilitate the conservation of:	Planning Proposal Compliance
(a), items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,	The subject site is not mapped as being of heritage significance
(b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974,	Noted.
(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	The subject site is mapped within a sensitive aboriginal landscape. The disturbed nature of the site suggests there are no objects/ landscapes of heritage significance. An AHIMS search will be conducted during the rezoning process.

Ministerial Direction 4.2 - Mine Subsidence and Unstable Land

The objective of this Ministerial Direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.

4.1 Mine Subsidence and Unstable Land

When a Planning Proposal would permit development on land that is within a Mine Subsidence District, a relevant planning authority must	Planning Proposal Compliance
(a) consult the Mine Subsidence Board to ascertain: (i) if the Mine Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and (ii) the scale, density and type of development that is appropriate for the potential level of subsidence, and	Council is required to consult with Subsidence Advisory NSW at gateway determination.
(b) incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(ii),	Subject to Subsidence Advisory advice to Council.
(c) include a copy of any information received from the Mine Subsidence Board with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act	Subject to Subsidence Advisory advice to Council.

Ministerial Direction 4.4 - Planning for Bushfire Protection

The objectives of this Ministerial Direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

4.4 Planning for Bushfire Protection

In the preparation of a Planning Proposal the relevant planning authority must :	Planning Proposal Compliance
(4) consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made	Council is required to consult with RFS at gateway determination.
(5) (a) have regard to Planning for Bushfire Protection 2006, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the APZ.	Noted
(6) A planning proposal must, where development is proposed, comply with the provisions, as appropriate.	N/A as no development is proposed at this stage.

Ministerial Direction 5.10 - Implementation of Regional Plan

The objective of this Ministerial Direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

5.10 Implementation of Regional Plan	
A Planning Proposal must:	Planning Proposal Compliance
(4) be consistent with a regional plan released by the Minister for Planning.	The planning proposal is consistent with the Hunter Regional Plan as described in Section 3.3 .

Ministerial Direction 6.1 - Approval and Referral Requirements

The objective of this Ministerial Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

6.1 Approval and Referral Requirements	
A Planning Proposal must:	Planning Proposal Compliance
(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority,	The proposal does not propose provisions in which consultation with any Minister or public authority is required.
(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act,	Noted
(c) not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.	Noted

Ministerial Direction 6.3 - Site Specific Provisions

The objective of this Ministerial Direction is to discourage unnecessarily restrictive site specific planning controls.

6.3 Site Specific Provisions	
A Planning Proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:	Planning Proposal Compliance
(4) (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.	Noted. The controls proposed are consistent with those existing in the LMCC LEP 2014.
(5) A planning proposal must not contain or refer to drawings that show details of the development proposal	Noted.

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The land is disturbed by a history of informal land uses, and there is unlikely to be any critical habitat or threatened species, populations or ecological community or their habitats on the land.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Proposal is unlikely to contribute any additional environmental impacts. Any development of the land permitted by the planning proposal will be required to assess and implement environmental impact mitigation and sustainability measures.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The proposal will provide additional employment land sustainably located adjacent to existing employment land, and with access to capacity in existing public and private enabling infrastructure.

The proposal is economical and socially sustainable in so far as the proposed employment land is located close to surrounding residential areas and supporting land uses such as childcare..

Q10. Is there adequate public infrastructure for the planning proposal?

Public infrastructure adjoins the site, and the proposal will require minimal extension of existing water, sewer, electricity, drainage and telecommunication services at development stage.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Formal consultation has been limited to Council at this stage. Consultation will occur with all relevant agencies deemed relevant following the gateway determination and instructions.

6.0 MAPPING

The proposed IN2 Industrial Zone and associated development standards proposed for the land involves amending the LEP mapping in line with maps presented illustratively in **Figures 17 to 21**. Amended LEP mapping will be prepared by Lake Macquarie Council in accordance with the DPIE mapping specifications.

7.0 COMMUNITY CONSULTATION

Consultation will occur with all relevant agencies and with the community in the manner deemed necessary in the Gateway determination. As a minimum, the planning proposal is statutorily required to be placed on public exhibition for a period of 28 days during Council, and post Gateway, assessment.

8.0 SITE SUITABILITY AND CAPABILITY

It is anticipated that prior to public exhibition of the proposal, and upon assessment of the proposal by Council and during the Gateway determination, instructions will be provided to carry out site specific investigations to confirm the capability and suitability of the land for land uses permitted by the proposed IN2 land use zone.

9.0 CONCLUSION

The planning proposal is consistent with the relevant elements of the Hunter Regional Plan 2036, Greater Newcastle Metropolitan Plan, and Council adopted Lake Macquarie Local Strategic Planning Statement.

The proposal to rezone the land, which is vacant and clear of obvious development constraints, is in the broader public interest to accommodate employment opportunities adjacent to an established employment area, and sustainably located relative to intensifying residential areas and employment supporting services.