

Special Reports of the Director of Development, Planning and Regulation

Monday 11 December 2023

23SP091	Exhibition of Planning Proposal - 130 Munibung Road, Boolaroo - C2 Environmental Conservation to R2 Low Density Residential
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Key focus area	4. Diverse economy
Objective	4.5 New development and growth complement our unique character and sense of place, now and into the future
File	RZ/3/2022 - D11050804
Author	Strategic Landuse Planning Coordinator - Iain Moore
Responsible manager	Manager Integrated Planning - Wes Hain

Address	Part of 130 Munibung Road and part of 30 Mackenzie Parade, Boolaroo
Landowner	Greencapital Weemala Pty Ltd
Proponent	Hunter Development Brokerage Pty Ltd

Executive summary

This report recommends progressing a planning proposal to amend the *Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)* by rezoning part of 130 Munibung Road and part of 30 Mackenzie Parade, Boolaroo from zone C2 Environmental Conservation to zone R2 Low Density Residential to facilitate residential development (see Attachment 1).

The site adjoins existing residential zoned land within the former Pasminco site at Boolaroo and is located close to services, shops and public transport. The land has an area of approximately 1.6 hectares, is located on the slopes of Munibung Hill, and could potentially accommodate up to 22 residential lots.

Recommendation

Council:

- A. requests a Gateway Determination from the Department of Planning and Environment, pursuant to the *Environmental Planning and Assessment Act 1979*, in relation to the planning proposal in Attachment 1,
- B. requests the use of delegations in respect of the Minister for Planning and Homes plan making function under section 3.36 of the *Environmental Planning and Assessment Act 1979* for the planning proposal,
- C. undertakes consultation with State Government agencies, service authorities and traditional owners in accordance with the Gateway Determination,
- D. places the planning proposal on exhibition, subject to the outcome of the Gateway Determination,

- E. notifies stakeholders and affected landowners of the public exhibition period as required, and
- F. receives a further report on the planning proposal following public exhibition.

Context

The planning proposal relates to land at 130 Munibung Road and 30 Mackenzie Parade, Boolaroo. The subject land is on the slopes of Munibung Hill, has an area of 1.6 hectares, contains two drainage lines and is cleared of native vegetation.



Figure 1 – Location of subject land

Historically, the topography, visual prominence and potential of the subject land to act as an ecological link have resulted in the land being zoned C2 Environmental Conservation. Land to the north, west and south of the subject land, with similar elevations and topography, is zoned for low density residential development and is part of the Weemala Residential Estate which is being progressively developed.

The site is also located in Lake Macquarie’s North West Catalyst Area which is an area identified for urban intensification in regional and local strategic plans.

Adjoining land to the east is located on the upper slopes of Munibung Hill and is zoned C2 Environmental Conservation. This land forms an ecological corridor that connects Munibung Hill to a bushland reserve along the ridgeline and provides a visual buffer between residential development on the former Pasmenco site and the Macquarie Hills residential estate.

The subject land was remediated following closure of the Pasmenco Smelter and Incitec Fertiliser business. Consistent with Site Audit Statement GN 416-12, the subject land is deemed suitable for residential uses. Remediation works undertaken on the site effectively removed any biodiversity values associated with the site.

Discussion

A Council resolution is needed to progress the planning proposal and request a Gateway Determination from the NSW Department of Planning and Environment to rezone the subject land from C2 Environmental Conservation to R2 Low Density Residential, as shown in Figure 2.

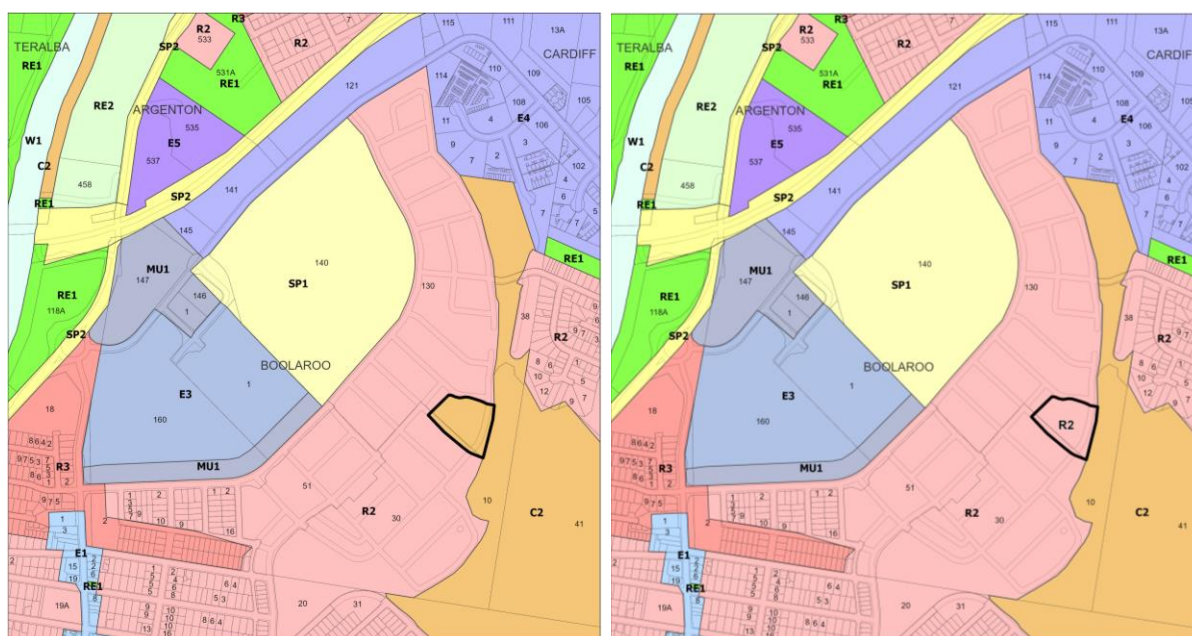


Figure 2 – Existing (left) and proposed (right) zones

The subject land has undergone extensive excavation as part of the remediation process. As a result, the extent of native vegetation on the land is highly degraded. There is no tree cover and no biodiversity values within the site. Due to surrounding ongoing development, the subject land is also no longer required as a key link in a vegetation corridor. If the land remains zoned C2 Environmental Conservation, in time, vegetation may be restored on the site, but this would require re-vegetation and/or rehabilitation. There are no requirements for re-vegetation or rehabilitation in any current development consent relating to the land.

A geotechnical assessment indicates the risk of slope instability on the subject land is low, provided future development is undertaken in accordance with good hillside construction practice and specific recommendations provided in the geotechnical report. The assessment acknowledges there may be extensive future cuts on the site and makes recommendations as to the treatment of these. The geotechnical assessment concludes “the site is considered suitable for the proposed residential development from a geotechnical perspective”.

A Visual Impact Assessment acknowledges the subject land can be observed from a distance, however, the Visual Impact Assessment concludes the visual impact of any future

residential development on the subject land will be minor to moderate. Future development on the site would be substantially screened from view due to the already approved future adjoining residential development and the undulating topography in the vicinity of the site. This includes partial screening from distant views by the containment cell to the west of the site.

A Site Audit Statement (SAS) GN 416-12 has been issued for the subject site and surrounds. The SAS certifies the site is suitable for the following uses:

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

The planning proposal is consistent with the goals of the Lake Macquarie Local Strategic Planning Statement and Housing Strategy, as it will facilitate housing within close proximity to existing infrastructure and services within the Lake Macquarie North West Catalyst Area. Additional population within the walkable catchment of Boolaroo will contribute to its vibrancy and enhance liveability for residents, while also contributing to the financial sustainability of local businesses. A residential zone would be consistent with the surrounding residential zoned land to the west, north and south.

Community engagement and internal consultation

Council consulted with the following State agencies and authorities in the pre-lodgement stage of this planning proposal:

- NSW Environment Protection Authority
- Department of Planning and Environment – Biodiversity and Conservation Division
- NSW Rural Fire Service
- Hunter Water Corporation
- Subsidence Advisory NSW
- Natural Resource Assets Regulator – Water
- NSW Department of Planning and Environment – Hunter Region.

Advice from these agencies has been considered in preparing the planning proposal.

Internal consultation was undertaken with Development Assessment and Certification, Asset Management, Environmental Systems, Integrated Planning and Community Partnerships departments. Advice received has been considered and addressed in the planning proposal.

If Council resolves to proceed, further consultation with State agencies and public exhibition will be undertaken in accordance with the Gateway Determination and Council's Community Participation Plan.

Assessment of options

The planning proposal aligns with Council's strategic planning goals to create vibrant centres, focus development close to existing centres and increase housing diversity. The

planning proposal is considered to be the best means of achieving the desired outcomes. Public exhibition of the planning proposal will enable stakeholders to review and provide feedback on the proposed amendments.

Alternatively, Council can choose not to proceed with the planning proposal. This would be contrary to the housing goals outlined in the Lake Macquarie Local Strategic Planning Statement and Housing Strategy. This is not the recommended option.

Key considerations

Economic

The planning proposal is anticipated to have positive economic impacts, including through construction-related employment opportunities and ongoing investment in the local economy and viability of local businesses. The recommendation will facilitate the delivery of residential development in Boolaroo.

Environment

Environmental planning matters such as biodiversity, bushfire, slope stability, visual impact and contamination have been addressed in the planning proposal. The subject site has been remediated and the Site Audit Statement GN 416-12 certifies the site is suitable for residential uses. Remediation of the site has resulted in the land having no biodiversity values.

The geotechnical slope risk assessment indicates a residential zone is suitable, provided future development is undertaken in accordance with good hillside construction practice and specific recommendations provided in the geotechnical report.

The visual impact assessment shows the impact of any residential development on the subject land will be minimal.

Based on an analysis of these matters, the proposed residential zone is suitable for the site. The planning proposal will facilitate residential development that will have minimal environmental impact.

Community

The recommendation will facilitate the provision of additional housing supply in close proximity to services, public transport, recreation and shopping facilities, and employment opportunities.

Civic leadership

The recommendation will further demonstrate Council's commitment to increasing housing diversity and supporting local centres in key urban intensification areas of the city.

Financial

There is minimal financial impact to Council as the proponent has paid the relevant fees associated with progressing the planning proposal in accordance with Council's fees and charges.

Infrastructure

The former Pasmaico site has undergone both remediation and development preparation which has included the provision of roads, electricity, stormwater, water and sewage infrastructure. The subject land is located close to public transport and adjacent to Munibung Road. Other than connecting the specific sites to the existing infrastructure networks, it is not anticipated the planning proposal will impact existing infrastructure.

Future development on the subject land will contribute to the provision of infrastructure and facilities through development contributions identified in the relevant development contributions plan.

Compliance

The planning proposal has been prepared in accordance with the process outlined within the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, and Council's procedure for Amending Local Environmental Plans.

Legislative and policy considerations

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

Lake Macquarie Local Environmental Plan 2014

Hunter Regional Plan 2041

Greater Newcastle Metropolitan Plan 2036

Lake Macquarie Local Strategic Planning Statement

Lake Macquarie Housing Strategy

Lake Macquarie Development Control Plan 2014

Attachments

1. Planning proposal - PP-2022-3908 - 130 Munibung Road Boolaroo - C2 Environmental Conservation to R2 Low Density Residential D11319202



Planning proposal

Part 130 Munibung Road, Boolaroo

Summary	Details
Name of draft LEP:	Part 130 Munibung Road, Boolaroo
Subject land:	Part of Lot 196 DP 1290647 - 130 Munibung Road Boolaroo and Part of Lot 195 DP 1290647 - 30 Mackenzie Parade Boolaroo
Proponent:	HUNTER DEVELOPMENT BROKERAGE PTY. LIMITED
Landowner:	GREENCAPITAL WEEMALA PTY LTD
Planning portal reference:	PP-2022-3908
Council reference:	RZ/3/2022
Version:	V1
Date:	9/11/2023
Authors:	Iain Moore - Strategic Landuse Planning Coordinator Amber Vergot - Senior Strategic Land Use Planner
Attachments:	Attachment 1 – Proposed Lot Layout & Retaining Walls (Council ref. D11260056) Attachment 2 – Civil Designs and Site Line Assessment (Council ref. D11299508)
Supporting studies	<ol style="list-style-type: none"> 1. Aboriginal Heritage Information Management System (AHIMS) Report (Council ref. D10711369) 2. Assessment of Hunter Regional Plan 2041 Strategies (Council ref. D11268178) 3. Bushfire Assessment (Council ref. D10899510) 4. Contamination Testing Results (Council ref. D11294447) 5. Ecological Assessment Report (Council ref. D10899504) 6. Geotechnical Assessment (Council ref. D11074726) 7. Proposed Park Design for Weemala (Council ref. D11260067) 8. Site Audit Statement (Council ref. D10711365) 9. Stormwater Management Plan (Council ref. D10970918) 10. Stormwater Strategy (Council ref. D10899516) 11. Visual Impact Assessment (Council ref. D11260078) 12. Water Servicing Strategy (Council ref. D10899529)

Version	Author	Date	Details
1	Iain Moore; Amber Vergot	November 2023	Pre-Gateway Version



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Part 1 – Objectives and intended outcomes

Objective

To amend the *Lake Macquarie Local Environmental Plan 2014* (LEP) to enable low density residential development on the mid-western slopes of Munibung Hill.

Intended outcomes

The intended outcome is to rezone the subject land (1.6 ha, Part Lot 196 DP 1290647 No. 130 Munibung Road Boolaroo and Part Lot 195 DP 1290647 No. 30 Mackenzie Parade Boolaroo) from C2 Environmental Conservation to R2 Low Density Residential to support:

- Residential use of remediated land areas on the former Pasmenco site
- Increase residential opportunity and housing diversity close to Cockle Creek train station and Boolaroo economic centre

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	The planning proposal will amend land use zones on the subject land as follows: <ul style="list-style-type: none"> - C2 Environmental Conservation to R2 Low Density Residential
Height of Building Map	The planning proposal will amend the HoB map, as follows: <ul style="list-style-type: none"> - 5.5m to 8.5m
Minimum Lot Size	The planning proposal will amend the minimum lot size map, as follows: <ul style="list-style-type: none"> - 40ha to 450m²

Part 3 – Justification of strategic and site-specific merit

No.	Question	Considerations
Section A – Need for the planning proposal		
1	Is the planning proposal a result of an endorsed LSPS, strategic study or report?	No The Planning Proposal (PP) is not a result of an endorsed LSPS strategic study or report.



No.	Question	Considerations
2.	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	<p>The planning proposal is the best means of achieving the following intended outcomes to:</p> <ul style="list-style-type: none"> - Provide additional low density residential development on the western slopes of Munibung Hill - Amend the Height of Building and Limited Lot Size maps to be consistent with the adjoining residential land areas <p>The approach taken in drafting a planning proposal is consistent with the legislative planning framework set out in the <i>EP&A Act 1979</i> (in <i>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&A Act cl3.33 (1)).</i></p>

Section B – Relationship to the strategic planning framework

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)?	<p>Hunter Regional Plan 2041 (HRP 2041)</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, 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 aspects of the HRP 2041.</p> <p>Part 3 of the HRP 2041 identifies the North West Lake Macquarie regionally significant growth area as evolving into, amongst other aspects, a housing hub where 10,000 new residents will be located east of Cockle Creek and supporting 15-minute neighbourhoods. The proposed amendments will provide additional land for residential development within a 15-minute catchment of relevant transport and services.</p> <p>The HRP 2041 identifies the need to “Deliver and maximise the potential of urban infill opportunities at the Pasmenco redevelopment area in Boolaroo.” The proposed amendments will facilitate low density residential development.</p> <p>This growth area also seeks to include public and green open spaces that also serve a wider regional community. More specifically, the Cockle Creek Precinct seeks to “enhance open spaces and connect the cultural and recreational potential of Munibung Hill”. The subject land is zoned for environmental conservation consistent with early master planning for the former Pasmenco site. The site had the potential to connect Munibung Hill to open space in Cockle Creek and potentially provide scenic relief from surrounding residential development on the western slopes of Munibung Hill. However, land to the north, west and</p>
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No.	Question	Considerations
		<p>south of the subject site has been subsequently rezoned for low density residential development. The site is no longer required as a key link in a vegetation corridor. The supporting ecological report undertaken by AEP found that the extent of native vegetation within the site is highly degraded and there are no biodiversity values within the site.</p> <p>The Munibung Hill Management Plan (2022) identifies the subject site for further investigation. The site is not part of the Munibung Hill Management Area for the Management Plan as it is subject to this current planning proposal. Depending on the outcomes of the rezoning proposal and future potential development, part of this land may be added in a future iteration of the Management Plan.</p> <p>The Assessment of Hunter Regional Plan 2041 Strategies provides a detailed assessment against the relevant objectives and strategies of the Hunter Regional Plan 2041.</p> <p>Greater Newcastle Metropolitan Plan 2036 (GNMP 2036)</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 objective of the Munibung Precinct to align local plans to facilitate urban renewal through increased housing density and mixed-use including large format retail and office uses.</p> <p>The planning proposal will facilitate delivery of additional housing in an infill area, in close proximity to large format retail and commercial development.</p> <p>Whilst the subject land is zoned for conservation purposes, the supporting ecological report found that the extent of native vegetation within the site is highly degraded and there is no tree cover and no biodiversity values within the site. Rezoning the subject land will not detract from the Blue and Green Grid and urban tree canopy identified in the Plan.</p>
4	<p>Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local</p>	<p>Lake Macquarie LSPS</p> <p>The LSPS identifies the North West Growth 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. The planning proposal will facilitate delivery of additional housing in the North West Growth Area</p>



No.	Question	Considerations
	strategy or strategic plan	<p>and provide economic benefits usually associated with increasing residential development.</p> <p>The outcomes for the Munibung Precinct also include improved scenic amenity, including maintaining a ridgeline native vegetation corridor on Munibung Hill with appropriate access. As concluded in the Ecological Study, the subject land has no biodiversity values and it is considered highly unlikely for a significant impact to occur as part of the proposed rezoning and future development. As access to Munibung Hill through the subject site is not a preferred route, the proposal is consistent with maintaining a ridgeline native vegetation corridor on Munibung Hill with appropriate access. The proposal will not impact the vegetation on the upper slopes of Munibung Hill. In addition, the Visual Impact Assessment and the Site Line Assessment concludes the proposal will have minimal impact on the scenic setting of the area.</p> <p>The proposal is consistent with Planning Priority 2 <i>A city to call home</i>, as it delivers housing in infill areas close to jobs, services, strategic centres and public transport.</p> <p>The proposal is consistent with Planning Priority 6 <i>A city with a vast natural environment – that is valued, protected and enhanced</i>. The land has no biodiversity values and limited capacity to act as a biodiversity corridor.</p> <p>The proposal is consistent with Planning Priority 7 <i>A city of resilience – where the people and places are responsive and proactive to change</i>. Given the subject land has no biodiversity values, and the supporting studies support residential development of the site, it is appropriate to consider facilitating residential development on the land.</p> <p>Lake Macquarie Housing Strategy</p> <p>The Lake Macquarie City Housing Strategy (adopted 2020), provides a long-term approach to the design and delivery of quality housing in and around the City centres and neighbourhoods of Lake Macquarie, this confirms that the City requires more housing to meet the needs of the growing population. The Lake Macquarie community and households are changing, and so the types of housing needed are diversifying. The City, is projected to grow by almost 30,000 people by 2036, or 14 percent.</p> <p>Lake Macquarie has an estimate capacity to supply between 33,000 and 52,000 dwellings by 2050 of which greenfield housing will supply 24 - 37 percent and infill housing providing 63 - 76 percent.</p> <p>The Housing strategy identifies the North West Growth Area as a focus area for new growth and seeks to support growth in this part of Lake Macquarie with infill and greenfield housing development. The subject planning proposal is classified as an urban infill site. It is anticipated the proposal will enable up to 20 dwellings to be added to the infill housing supply in LGA.</p>



No.	Question	Considerations
		<p>The proposal will enable increased housing choice, close to open space, and in a co-ordinated and efficient way. It will provide a local contribution to the priorities and strategy objectives identified by the LMHS.</p>
<p>5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?</p>		<p>The proposal is generally consistent with the following State and regional strategies:</p> <p>A 20-Year Economic Vision for Regional NSW (2021)</p> <p>The 20-Year Economic Vision for Regional NSW is the NSW Government's plan to drive sustainable, long-term economic growth in regional NSW. The proposal is consistent with ensuring adequate infrastructure, housing and services in growing centres. The proposal is located in a well-serviced area, with infrastructure and employment opportunities.</p> <p>Hunter Regional Transport Plan (H RTP) and Future Transport Strategy 2056 (FTS)</p> <p>The H RTP details the actions the NSW Government will take to address the transport challenges in the Hunter Region. The subject site is located within a 5-minute drive or 10-minute bicycle ride of the Cockle Creek train station, which provides links to Sydney and Newcastle. Future development of the site will be required to contribute to the local transport infrastructure and address any upgrade requirements. Any future development will need to include appropriate provision for walking and cycling and connection with existing network in accordance with the H RTP.</p> <p>The planning proposal is consistent with the Future Transport Strategy 2056 as it supports the potential of existing infrastructure located within walking distance of the subject area - 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 Pasmenco heavy industrial site.</p> <p>Housing 2041: NSW Housing Strategy</p> <p>The 20-year vision to 2041 aims to deliver better housing outcomes in the right locations and to suit diverse needs. The planning proposal will enable additional residential dwellings and increase housing choice in Boolaroo and surrounds. The proposal aligns directly with three of the four pillars – supply, diversity and resilience, while the fourth pillar of affordability is not specifically addressed by the proposal it does locate residential accommodation close to employment opportunities and jobs.</p>
<p>6 Is the planning proposal consistent with applicable State</p>		<p>SEPP (Biodiversity and Conservation) 2021</p> <p>This policy aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity</p>



No.	Question	Considerations
	Environmental Planning Policies (SEPPs)?	<p>of non-rural areas of the State through the preservation of trees and other vegetation.</p> <p>The subject land has undergone extensive excavation as part of the remediation process which has resulted in the loss of vegetation on the site. Additionally, previous industrial activities on the Pasmenco site are associated with extensive land clearing on the western slopes of Munibung Hill.</p> <p>Although native vegetation has been identified within the subject site, the AEP Ecological Report concludes it is difficult to ascertain a Plant Community Type (PCT) and the lack of structure and function, means that the current site is unlikely to be contributing meaningfully to the broader ecosystem and biodiversity values in the area. Due to the lack of topsoil, regeneration of adjoining species is limited. It is considered highly unlikely for a significant impact to occur as part of the proposed rezoning and future development.</p> <p>The site has also been found to be unsuitable as a source for translocating seed and soil materials to other sites.</p> <p>The supporting ecological assessment report highlights that there were no koalas or koala records identified within 2.5kms of the site in the past 18 years. There is no upper stratum or canopy species, koala use trees species or any koala habitat present within the subject site. As such no further survey work is required.</p> <p>The subject land is not identified as “avoided land” or a “strategic conservation area” under Chapter 13 of the SEPP.</p> <p>The proposal is consistent with this policy.</p> <p>SEPP (Building Sustainability Index: BASIX) 2004</p> <p>This SEPP is not applicable at the rezoning stage.</p> <p>SEPP (Housing) 2021</p> <p>This proposal is not inconsistent with this policy.</p> <p>SEPP (Resilience and Hazards) 2021</p> <p>Chapter 2</p> <p>The subject site is not located within any of the following coastal management areas:</p> <ul style="list-style-type: none"> - the Land Application Area - Coastal Environmental Area - Coastal Use Area - Coastal Wetland and buffer area - Littoral Rainforest and buffer area <p>The planning proposal is consistent with Chapter 2 of this SEPP.</p>



No.	Question	Considerations
		<p>Chapter 4</p> <p>The policy aims to provide a state-wide approach for remediation of contaminated land to ensure there is minimal risk to human health and any other part of the environment.</p> <p>Clause 4.19 of the policy is specifically introduced for the former Cockle Creek Zinc and Lead Smelter and Incitec Fertiliser factory site and aims to ensure that there are adequate measures in place to reduce the risk to human health and other parts of the environment on this site.</p> <p>Clause 4.19 requires that development consent may not be granted for the subject land unless the Planning Secretary has certified the consent authority that adequate measures are in place for perpetual care of the land on the former Cockle Creek Smelter and Incitec site immediately.</p> <p>Remediation of the Pasmenco 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 Pasmenco site as remediation has progressed, including for the land subject to this planning proposal.</p> <p>The subject site is subject to Site Audit Statement GN 416-12, which certifies the site is suitable for the following uses:</p> <ul style="list-style-type: none"> - Residential – with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry - Day care, preschool and primary school - Secondary school - Park, recreation open space and playing field - Commercial/industrial <p>In August 2022, Council staff undertook further testing of the subject land using an X-ray Fluorescence Analyzer. The results, provided in the Contamination Testing Results, show levels of Lead, Arsenic, Cadmium and Zinc well below the criteria for residential land use for lead, being 300ppm. The results demonstrate that there has been very limited (if any) migration of contamination from unremediated areas adjacent to the property. It is concluded that the rezoning proposal can rely on the Site Audit Statement GN416-12 issued for the property on 23 March 2015.</p> <p>The planning proposal is consistent with Chapter 4 of this SEPP.</p> <p>The proposal is consistent with the relevant SEPP</p>



No.	Question	Considerations
7	<p>Is the planning proposal consistent with the applicable Ministerial Directions (section 9.1 Directions)?</p>	<p>1.1 Implementation of Regional Plans</p> <p>As discussed above, the Hunter Regional Plan (HRP) 2041 applies to the subject land. The land is within the North West Lake Macquarie regionally significant growth area, where 0,000 new residents will be located east of Cockle Creek, supporting 15 minute neighbourhoods. The proposed amendments will provide additional land for residential development within a 15-minute catchment of relevant transport and services.</p> <p>The HRP 2041 identifies the need to “Deliver and maximise the potential of urban infill opportunities at the Pasmenco redevelopment area in Boolaroo.” The proposed amendments will facilitate low density residential development.</p> <p>Within the Growth Area, the Cockle Creek Precinct seeks to “enhance open spaces and connect the cultural and recreational potential of Munibung Hill”. The subject land is zoned for environmental conservation consistent with early master planning for the former Pasmenco site. The site had the potential to connect Munibung Hill to open space in Cockle Creek and potentially provide scenic relief from surrounding residential development on the western slopes of Munibung Hill. However, land to the north, west and south of the subject site has been subsequently rezoned for low density residential development. The site is no longer required as a key link between Munibung Hill and open space in Cockle Creek.</p> <p>The Assessment of Hunter Regional Plan 2041 Strategies provides an assessment of the proposal against the objectives and strategies of the HRP 2041 (Council ref: D11268178).</p> <p>The proposal is consistent with the Hunter Regional Plan.</p> <p>1.3 Approval and Referral Requirements</p> <p>The planning proposal does not:</p> <ul style="list-style-type: none"> - include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, - contain provisions requiring concurrence, consultation or referral of a Minister or public authority, or - identify development as designated development. <p>The planning proposal is consistent with this Direction.</p> <p>1.4 Site Specific Provisions</p> <p>The planning proposal seeks to:</p> <ul style="list-style-type: none"> - rezone the site to an existing zone already in the <i>Lake Macquarie LEP 2014</i> that allows residential use without imposing any development standards or requirements in addition to those already contained in that zone, and



No.	Question	Considerations
		<ul style="list-style-type: none"> - allows residential use on the subject land without imposing any development standards or requirements in addition to those already contained in the <i>Lake Macquarie LEP 2014</i>. <p>The planning proposal is consistent with this Direction.</p> <p>3.1 Conservation Zones</p> <p>This direction applies as it determines; a planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land.</p> <p>As discussed above, the subject land has undergone extensive excavation as part of the remediation process which has resulted in the loss of vegetation on the site. Additionally, previous industrial activities on the Pasminco site are associated with extensive land clearing on the western slopes of Munibung Hill.</p> <p>Although native vegetation has been identified within the subject site, the AEP Ecological Report concludes it is difficult to ascertain a Plant Community Type (PCT) and the lack of structure and function, means that the current site is unlikely to be contributing meaningfully to the broader ecosystem and biodiversity values in the area. Due to the lack of topsoil, regeneration of adjoining species is limited. It is considered highly unlikely for a significant impact to occur as part of the proposed rezoning and future development.</p> <p>The AEP ecological report also highlights that there were no koalas or koala records identified within 2.5kms of the site in the past 18 years. There is no upper stratum or canopy species, koala use trees species or any koala habitat present within the Subject Site.</p> <p>The ecological assessment concludes that the proposal to remove approx. 1.3ha of native vegetation will be unlikely to have significant impacts on the ecological communities and potential threatened species that may occur on site. There are no biodiversity values within the site.</p> <p>The planning proposal seeks rezone land zoned C2 Environmental Conservation to R2 Low Density Residential. The planning proposal is inconsistent with this direction as it reduces the conservation standards that apply to the subject land.</p> <p>However, it is considered that that the inconsistency is justified by the AEP ecological report prepared to support the planning proposal. Given the finding that there are no biodiversity values within the site, it is also considered that the inconsistency is of minor significance.</p> <p>Concurrence with this conclusion is sought from the Planning Secretary (or an officer of the Department nominated by the Secretary).</p>



3.2 Heritage Conservation

The AHIMS report does not identify any aboriginal sites recorded in or near the subject site. The report also highlights that no aboriginal places have been declared in or near the subject site.

The subject site contains no known items of environmental heritage significance.

The subject adjoins the Sensitive Aboriginal Landscape layer in Lake Macquarie LEP 2014.

Previous comments received from the Awabakal Descendants Traditional Owners Aboriginal Corporation in 2011 in regard to the rezoning and redevelopment of the Pasmenco site advised that Munibung Hill and its upper slopes are of high significance to the traditional owners. Therefore, it is recommended the planning proposal be referred to the Awabakal Descendants Traditional Owners Aboriginal Corporation for comment during exhibition of the planning proposal.

Consistency with this direction requires confirmation after further consultation is completed and post public exhibition.

4.1 Flooding

Not applicable.

4.2 Coastal Management

Not applicable.

4.3 Planning for Bushfire Protection

Part of the subject land is identified as a Bushfire vegetation buffer zone, with a proposed northeast boundary close to vegetation 3 category. A bushfire assessment has been prepared.

Pre-lodgement referral to NSW Rural Fire Service noted no concerns or issues with the proposed rezoning.

Further consultation will occur with NSW RFS post-Gateway determination.

The planning proposal is **consistent** with this direction.

4.4 Remediation of Contaminated Land

The planning proposal is consistent with this direction as the subject land is deemed suitable for residential use in Site Audit Statement GN 416-12.

Council staff undertook more recent contamination testing on 19 August 2022. The results provided in the Contamination Testing Results, support the findings of the Site Audit Report.

4.5 Acid Sulfate Soils



No.	Question	Considerations
		<p>The subject land to which this planning proposal applies is not identified to contain acid sulfate soils within the LMLEP 2014 Acid Sulfate Soils Map, hence the proposal is consistent with the direction.</p> <p>4.6 Mine Subsidence and Unstable Land</p> <p>The subject land is within the Mine Subsidence District. Consultation at pre-lodgement stage with NSW Subsidence determined; <i>The subject site (as detailed in figure 1 of the Planning Proposal report by HDB dated 14 June 2022) is not undermined by historical mine workings and does not overlie a current coal title. Noting this SA NSW has no comments on the proposal (Council ref: D10738452).</i></p> <p>As directed, further consultation will need to occur if a development application is submitted in the future.</p> <p>The proposal is consistent with this direction.</p> <p>5.1 Integrating Land Use and Transport</p> <p>The planning proposal is consistent with this direction as it will enable residential development close to shopping services (proposed Costco), existing public transport (proposed on Fotheringham Road), and the emerging strategic centre (Glendale). Additionally, Lake Macquarie Transport Interchange is proposed in close proximity to the subject land which is further expected to reduce the car dependency.</p> <p>5.2 Reserving Land for Public Purposes</p> <p>The planning proposal does not seek to alter, create or reduce the existing land reserved for public purposes; therefore, it is consistent with this direction.</p> <p>6.1 Residential Zones</p> <p>The proposal will facilitate the delivery of up to 22 infill dwellings in an area with existing infrastructure and services. Land immediately to the north and south of the subject land is zoned for low density residential development and being developed accordingly.</p> <p>Whilst the site is currently zoned for environmental conservation the supporting ecological study concludes that the current site condition is highly degraded and modified as a result of previous site activities and rehabilitation works. As a result, there are no biodiversity values within the site. The impact of any future residential development of the land will have minimal impact on the environment.</p> <p>The proposal does not contain provisions that reduce the permissible residential development of the land. The proposal is consistent with this Direction.</p>



No.	Question	Considerations
		<p>7.1 Business and Industrial Zones</p> <p>Not applicable.</p> <p>8.1 Mining, Petroleum Production and Extractive Industries</p> <p>Not applicable.</p>
Section C – Environmental, social and economic impact		
8	<p>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?</p>	<p>The ecological assessment report found that the extent of native vegetation within the site is highly degraded and is limited to a few species in the mid and ground stratum levels with no canopy species present.</p> <p>Typically clearing of native vegetation above the clearing threshold would trigger entry into the Biodiversity Offset Scheme (BOS) however, the current site condition as described above is highly degraded and modified as a result of previous site activities and rehabilitation works. There are no biodiversity values within the site.</p> <p>As such although native vegetation has been identified within the Subject Site it is difficult to ascertain a Plant Community Type (PCT) and the lack of structure and function, means that the current site is unlikely to be contributing meaningfully to the broader ecosystem and biodiversity values in the area. Due to the lack of topsoil, regeneration of adjoining species is limited.</p> <p>It is considered highly unlikely for a significant impact to occur as part of the proposed rezoning and future development.</p> <p>The ecological assessment concludes that the proposal to remove approx. 1.3ha of native vegetation will be unlikely to have significant impacts on the ecological communities and potential threatened species that may occur on site.</p>
9	<p>Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?</p>	<p>Visual Impact</p> <p>The Hunter Regional Plan 2041, Greater Newcastle Metropolitan Plan, the Lake Macquarie Local Strategic Planning Statement and the Cockle Creek Precinct Area Plan identify that Munibung Hill as a significant scenic landmark which can be viewed from many locations to the west. The Bunderra Master Plan, prepared in 2008, identified that the subject land could potentially absorb the visual impact of residential development on the lower western slopes of Munibung Hill.</p> <p>The Visual Impact Assessment, prepared in accordance with the Lake Macquarie Scenic Quality Guidelines, indicates the subject land can be observed from a distance. However, as neighbouring land to the north, west and south is zoned for residential development, the potential visual effects of rezoning the subject land would be minor to moderate. Future development on the site would be substantially screened from view due to future adjoining residential development and the</p>



No.	Question	Considerations
		<p>undulating topography in the vicinity of the site. This includes screening by the containment cell to the west of the site.</p> <p>The assessment also demonstrates that the scenic setting of Munibung Hill, being identified as a feature within a Very High Scenic Management Zone in the Scenic Quality Guidelines, will not be adversely compromised by the proposed rezoning.</p> <p>The Site Line Assessment provides an assessment of sight lines from Fotheringham Road to the subject site, demonstrating minimal visual impact of potential residential development. The concept layout design for potential future residential development has been amended over time, and it is possible future designs may change. Accordingly, the site line assessment and visual assessment should be updated if and when there are any changes to concept design of future residential development, including extent and size of retaining walls and telecommunication poles/towers.</p> <p>Bushfire Assessment</p> <p>Part of the subject land is identified as a Bushfire vegetation buffer zone, with a proposed northeast boundary close to vegetation 3 category. A bushfire assessment report has been prepared. Pre-lodgement referral to NSW Rural Fire Service noted no concerns or issues with the proposed rezoning. Further consultation will occur with NSW RFS post-Gateway determination.</p> <p>Any future development of the site will need to comply with the relevant bushfire management requirements. The bushfire assessment report demonstrates that the site can be developed for residential use.</p> <p>Contamination</p> <p>The subject site is subject to Site Audit Statement GN 416-12, which certifies the site is suitable for the following uses:</p> <ul style="list-style-type: none"> - Residential – with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry - Day care, preschool and primary school - Secondary school - Park, recreation open space and playing field - Commercial/industrial <p>There has been no work carried out on this site since the EPA remediation ended.</p> <p>Council staff undertook more recent contamination testing on 19 August 2022. The results provided in the Contamination Testing Results, support the findings of the Site Audit Report.</p>



No.	Question	Considerations
Flood and Stormwater Management		
		<p>The proposed amendment does not impact existing approved flood and stormwater management design. In this regard, all developments will be above 1% AEP. The subject land was included in the Stormwater Strategy for adjoining development applications and includes an approved stormwater concept plan and stormwater management plan. An updated report will be prepared for the additional lots as part of any subsequent development applications.</p>
Traffic		
		<p>The planning proposal seeks to increase the residential capacity of the approved Weemala development by up to 22 lots. Applying the standard trip generation of 6.5 trips per dwelling would increase traffic by 143 movements per day. This increase in traffic would be distributed over the road network to the east, Blantyre Road, to the north, Munibung Road, and to the west, Main Road. Given the limited size of the development and indicated dwelling yield, the current level of analysis is adequate to support the proposed amendments. A detailed Traffic Impact Assessment will be included at the DA stage if required.</p>
Heritage		
		<p>Due to the remediation of the land, the AHIMS report prepared for the site suggests that there are no existing items of Archaeological or Heritage significance present on the site. Given the proximity of the site to Munibung Hill, it is also recommended that the Awabakal Descendants Traditional Owners Aboriginal Corporation be consulted during exhibition of the planning proposal.</p>
Geotechnical and Slope Stability		
		<p>The Geotechnical Assessment indicates the risk of slope instability on the subject land to be low, provided future development is undertaken in accordance with good hillside construction practice and specific recommendations provided in the risk assessment report. The assessment acknowledges that there may be extensive future cuts (of up to 10 m) on the site and makes recommendations as to the treatment of these. The assessment concludes “the site is considered suitable for the proposed residential development from a geotechnical perspective”.</p>
		<p>Preliminary civil designs provided in Attachments 1 and 2 indicate retaining may be up to 6m along the eastern boundary of the subject site, with a corresponding regrade of the land and terracing of future lots. This is generally consistent with regrading that is already approved on land to the south-west of the subject land</p>



No.	Question	Considerations
		(DA/1525/2020), which will result in terracing with retaining walls up to 5-6m.
10	Has the planning proposal adequately addressed any social and economic effects?	<p>The subject land has the potential to deliver a number of additional residential lots to supplement the housing market. The proposed rezoning of the C2 Environmental Conservation zone to R2 Low Density Residential Zone would facilitate the development of infill housing types in the area which is consistent with the character of the area.</p> <p>The proposal will result in positive social and economic effects for the local area by the generation of employment opportunities during construction and post-construction phases. It will also promote and assist the overarching aim for the area facilitating housing growth.</p> <p>The LMCC Parks and Play Strategy 2021 supports the health and wellbeing of residents. The objective of this strategy is:</p> <ul style="list-style-type: none"> • <i>To provide a strategic framework for the provision, management, maintenance and promotion of parks, play spaces and public amenity buildings throughout the local government area.</i> • <i>This strategy aims to ensure access to park opportunities within walking distance of all residential areas.</i> <p>A park (with an area of approximately 5,000 m²) has been designed and located at approximately 400m from the subject site. Due to the projected small lot yield, an additional park has not been proposed nor is one required under the Parks and Play Strategy. The proposed park within the 'Weemala' development is inclusive of walking tracks, children's play area, picnic areas, and park furniture including seating and landscaping. As mentioned in the strategy, 100% of the residents will have access to this park within 800m. The central location of the proposed park is accessible via Tussock Road, Vicat Street and Mackenzie Parade.</p> <p>Open spaces, landscaping and visual enhancement have been considered in the planning for the wider 'Weemala' residential area. Detailed landscaping plans will be submitted with the development application for the future dwellings. At this stage, the park design proposed for the broader development and other landscaping features have been submitted for council consideration under separate approvals.</p>

Section D – Infrastructure (Local, State and Commonwealth)

11	Is there adequate public	The site is located within a developing residential precinct and can be fully serviced with electricity, telecommunications, water, sewer and
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No.	Question	Considerations
	infrastructure for the planning proposal?	<p>drainage. It is located within the road grid system connected to Fotheringham Road, which will support transport options for buses and provide a connection to Munibung Road and the nearby train station.</p> <p>An updated servicing strategy has been prepared for the Weemala Residential Development to address the additional demand and the Water Booster Station is currently being designed by Mr. David Powell (DGP Waters Pty Ltd) to meet Hunter Water and Firefighting specifications.</p> <p>A Water Servicing Strategy for the site and surrounding developments has been prepared by DGP Water Pty Ltd.</p> <p>The planning proposal does not place significant additional demands on public infrastructure.</p>

Section E – State and Commonwealth interests

12 What are the views of state and federal authorities and government agencies consulted in order to inform the Gateway determination?	<p>There are no identifiable legislative requirements which would impact Commonwealth interests.</p> <p>Preliminary consultation occurred at pre-lodgement stage with the following agencies:</p> <ul style="list-style-type: none"> • Department of Planning & Environment - Biodiversity & Conservation Division (BCD) • Subsidence Advisory NSW • NSW Environmental Protection Authority • Department of Planning and Environment – Local and Regional Planning (DPE) • NSW Rural Fire Service • Hunter Water Corporation • Department of Planning & Environment - Natural Resource Assets Regulator
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Key issues raised are summarised below:

Department of Planning & Environment - Biodiversity & Conservation Division (BCD)

BCD responded to the referral request identifying they have no comments at this stage.

Subsidence Advisory NSW

NSW Subsidence Advisory identified:

- The land is located within a declared mine subsidence district.
- Development within a district requires approval from Subsidence Advisory NSW (SA NSW).



No.	Question	Considerations
		<ul style="list-style-type: none"> - The subject site is not undermined by historical mine workings and does not overlie a current coal title. - Subsidence Advisory has no further comments on the proposal

NSW Environmental Protection Authority (NSW EPA)

EPA responded to the referral request identifying they have no comments at this stage.

Department of Planning and Environment – Local and Regional Planning (DPE)

DPE noted that a Traffic Impact Assessment is required in accordance with Transport for NSW Guidelines.

In conflict with the above advice from DPE, Council's internal staff have advised that a limited number of dwelling/lots will be created as a result of this proposal, thus the road network being developed to serve the new residential and business area at Pasminco will likely absorb the incremental increase.

NSW Rural Fire Service

The NSW RFS identify the site is bushfire prone land and also notes the proposal involves a change of use.

Although NSW RFS raise no concerns or issues in relation to bush fire, they did identify that the land may have inadequate emergency or water supply access.

A draft planning proposal for 128 Munibung Road should address these matters by:

- updating existing water and sewerage *servicing strategies that document the servicing of existing residentially zoned land with similar elevations and topography to the proposed rezoning area*
- identify if a *water booster pump station to service elevated properties*, is required and show on plans

Staff suggest that referral to the NSW RFS with updated servicing plans would help inform the draft planning proposal and agency referrals at the gateway determination stage.

Hunter Water Corporation

Advice from Hunter Water identifies:



No.	Question	Considerations
		<p>The Weemala development has existing water and sewer servicing strategies that document the servicing of existing residentially zoned land with similar elevations and topography to the proposed rezoning area. The water servicing strategy requires a water booster pump station to service elevated properties and its design will need to consider the proposed rezoning area.</p> <p>A draft planning proposal for 128 Munibung Road should address these matters by:</p> <ul style="list-style-type: none"> - updating existing water and sewerage <i>servicing strategies that document the servicing of existing residentially zoned land with similar elevations and topography to the proposed rezoning area</i> - identify if a <i>water booster pump station to service elevated properties</i>, is required and show on plans <p>Staff suggest that referral to the Hunter Water Corporation with updated servicing plans would help inform the draft planning proposal and agency referrals at the gateway determination stage.</p> <p>Department of Planning & Environment - Natural Resource Assets Regulator</p> <p>Advice had not been received at the time pre-lodgement advice was provided to the proponent. It was received after and had no implications for the planning proposal.</p> <p>The Department of Planning and Environment - Water (Licencing and Approvals) have reviewed the proposal and had no comments, as the proposal does not impact waterfront land.</p> <p>In summary the proponent needs to consider:</p> <ul style="list-style-type: none"> • Need for adequate services and utilities • Potential need for Traffic and Transport Impact Assessment in accordance with Transport for NSW • Potential impact on flora and fauna • Need for appropriate stormwater management and water quality • Potential subsidence risks • Requirements of Part 4 of NSW Rural Fire Service, Planning for Bushfire Protection <p>Based on the above, it is recommended that the following state agencies be consulted prior to exhibition of the Planning Proposal:</p> <ul style="list-style-type: none"> • NSW Rural Fire Service – to confirm the adequacy of bushfire assessment



No.	Question	Considerations
		<ul style="list-style-type: none">• Transport for NSW – to confirm the need for any local traffic and transport assessment.• Department of Planning & Environment - Biodiversity and Conservation – to confirm the lack of biodiversity values on the site• Subsidence Advisory NSW – to confirm adequacy of potential subsidence risks• Hunter Water Corporation and relevant utility providers• NSW Environmental Protection Authority – to confirm the adequacy of Council's additional contamination assessment of the subject land. <p>Given the proximity of the site to Munibung Hill, it is recommended that the Awabakal Descendants Traditional Owners Aboriginal Corporation be consulted during exhibition of the planning proposal.</p>



Part 4 – Mapping

Map 1 – Locality



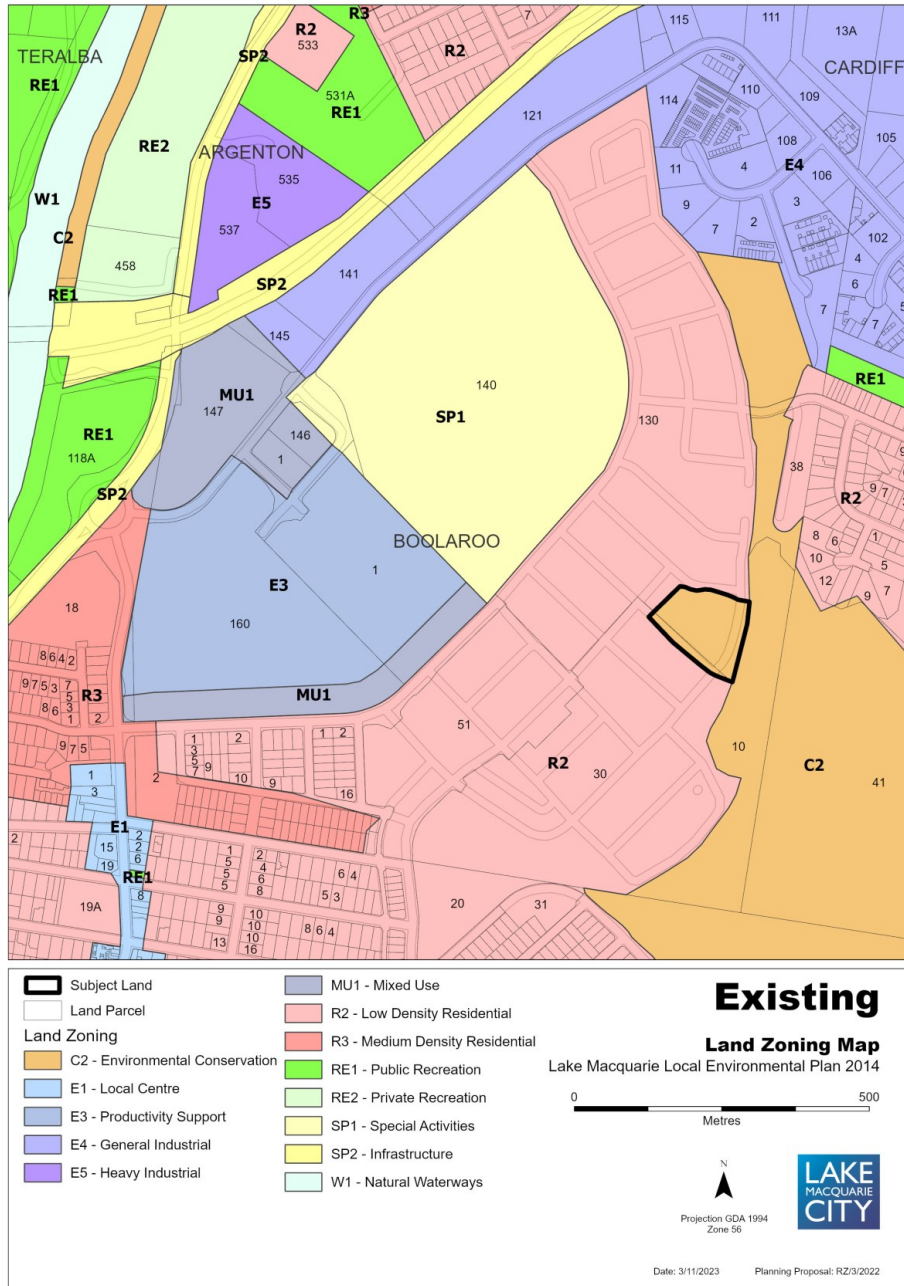


Map 2 – Aerial



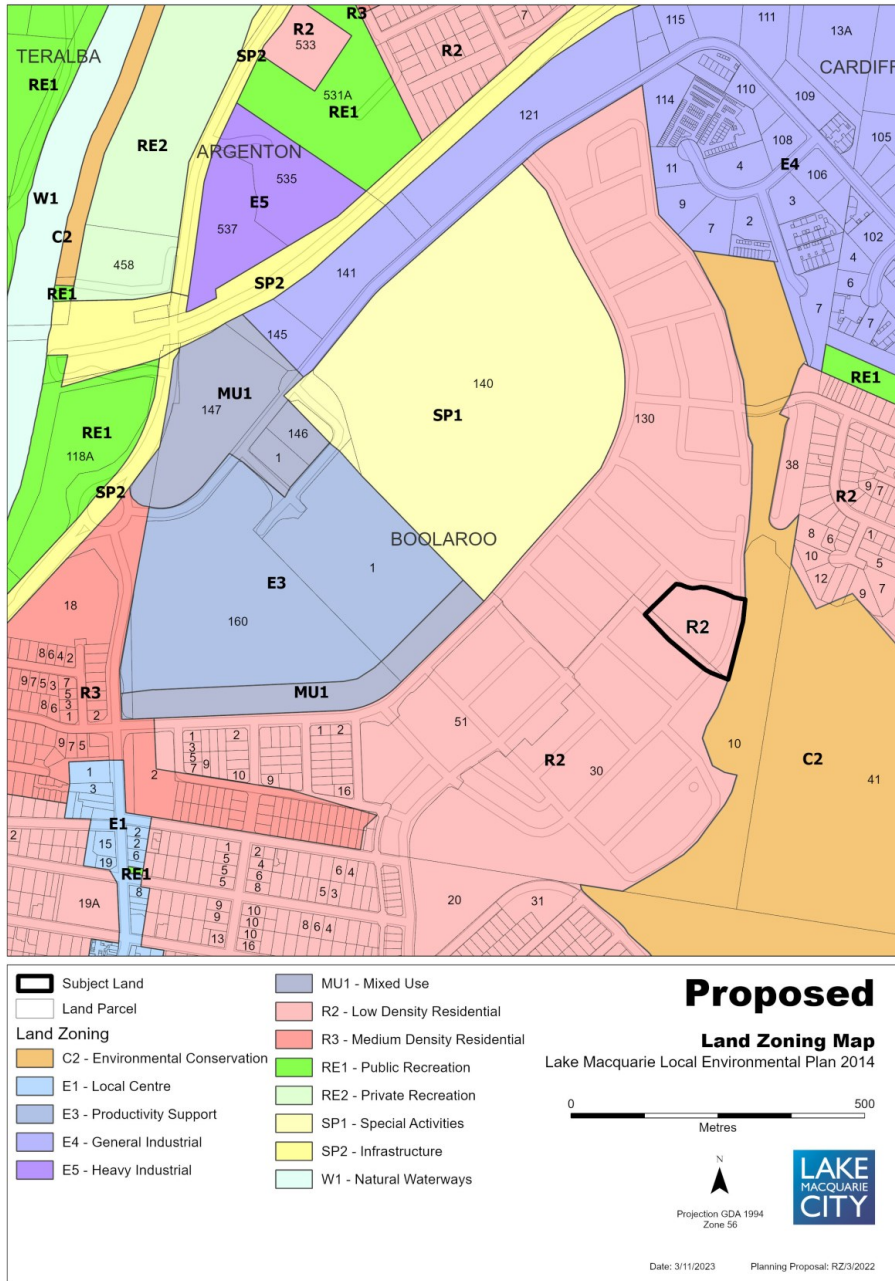


Map 3 – Existing Land Use Zones



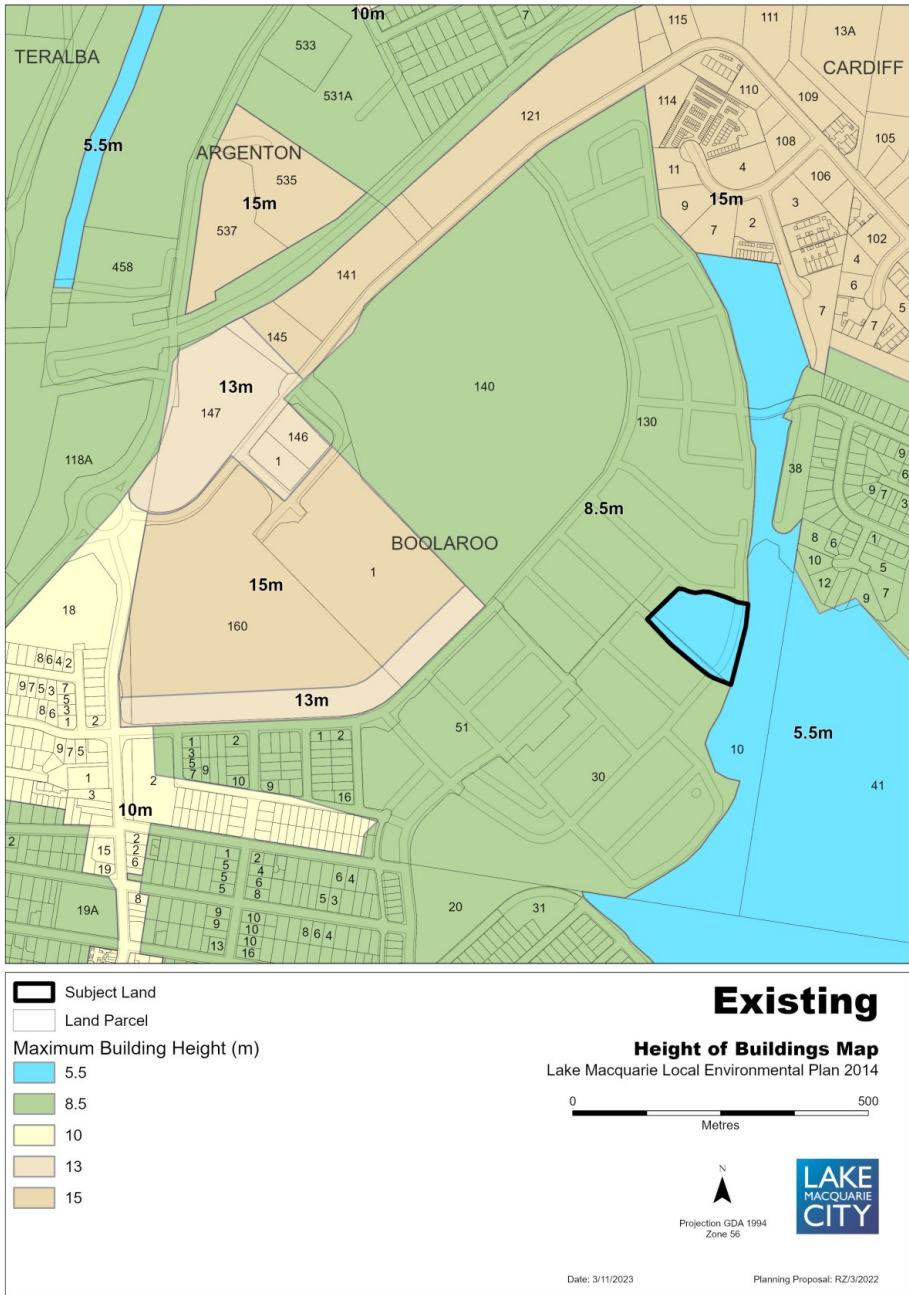


Map 4 – Proposed Land Use Zones



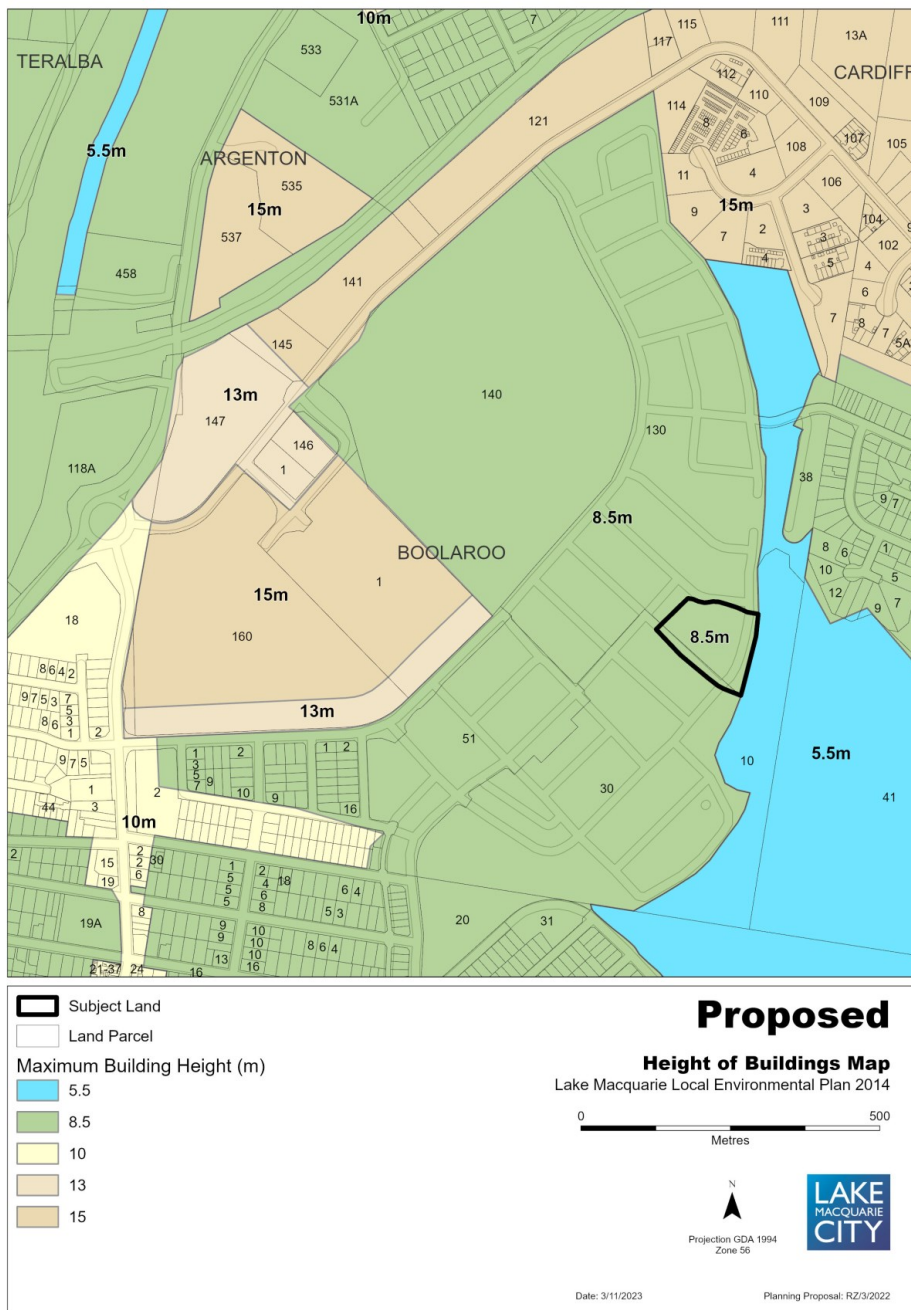


Map 5 – Existing Height of Buildings Map



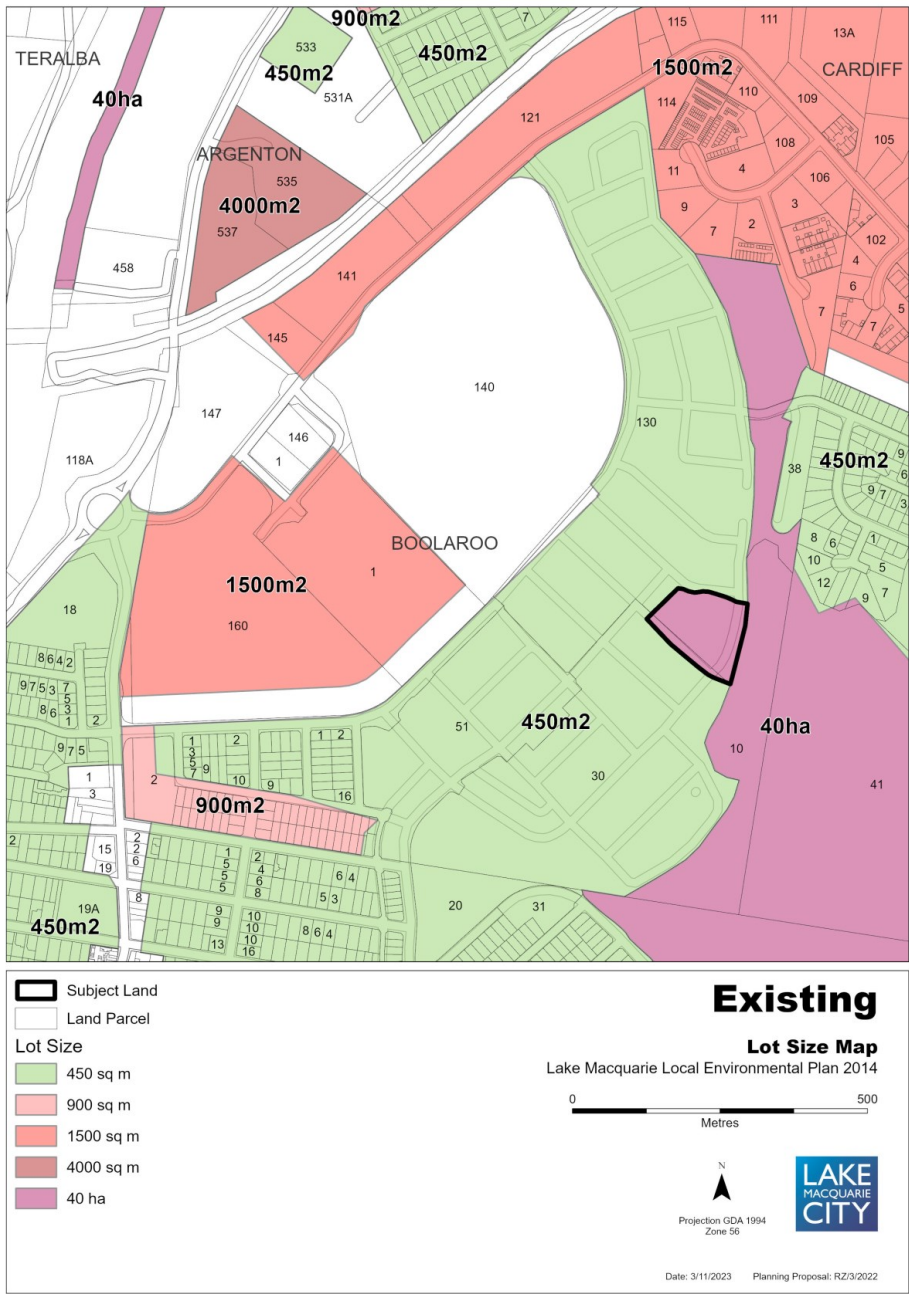


Map 6 – Proposed Height of Buildings Map



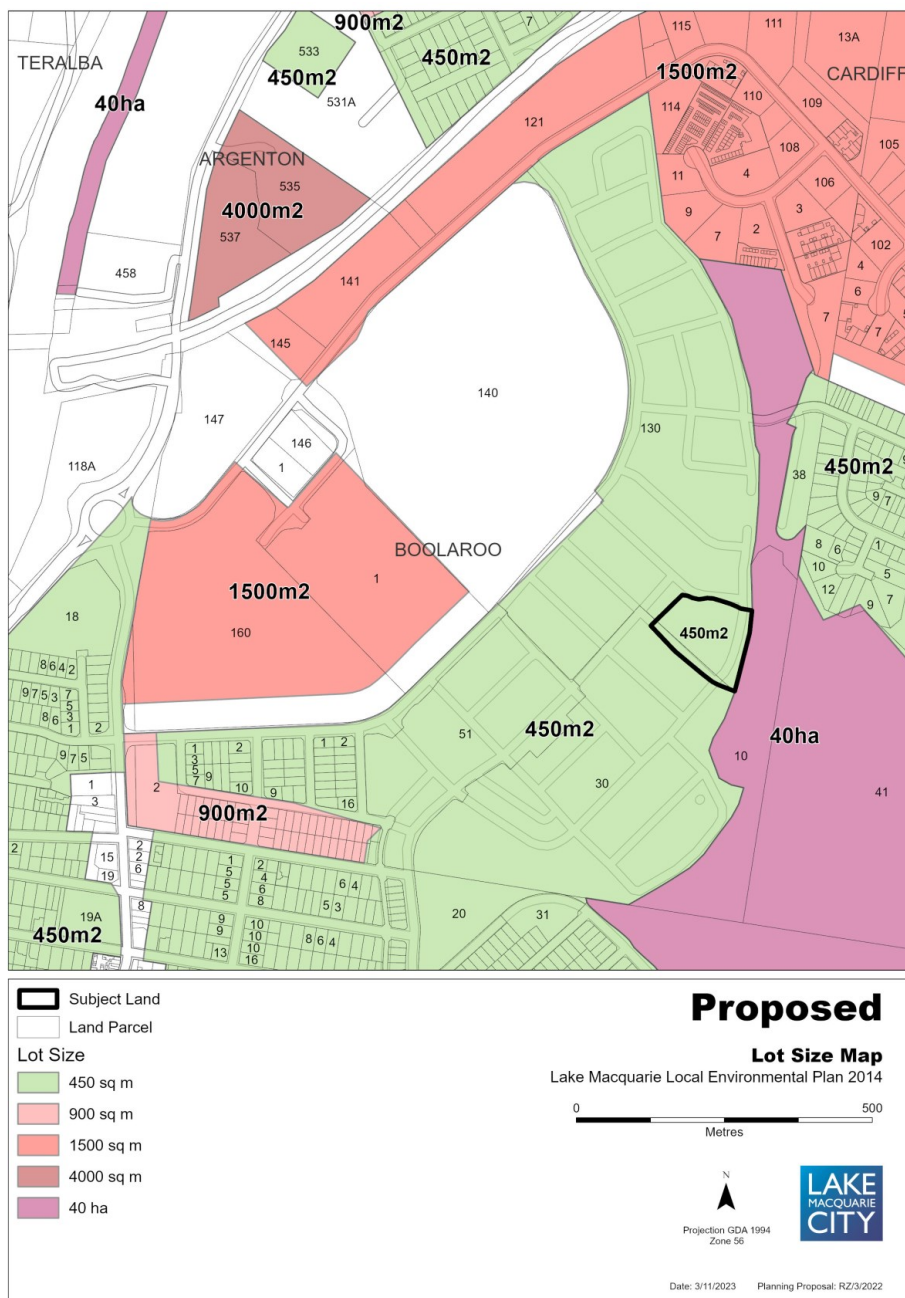


Map 7 – Existing Minimum Lot Size Map





Map 8 – Proposed Minimum Lot Size Map





Part 5 – Community Consultation

The planning proposal will be placed on public exhibition in accordance with the Gateway Determination and Council's Community Participation Plan.

It is recommended that the Awabakal Descendants Traditional Owners Aboriginal Corporation be consulted during exhibition of this planning proposal.

Part 6 – Project Timeline

Stage	Timeframe and / or date
Gateway determination	25 working days (16 February 2024)
Pre-exhibition	50 working days (26 April 2024)
Commencement and completion of public exhibition period	20 working days (27 April - 24 May 2024)
Consideration of submissions	10 working days (7 June 2024)
Post-exhibition review and additional studies	10 working days (21 June 2024)
Post exhibition planning proposal consideration / preparation	55 working days (22 June - 6 September 2024)
Submission to Department for finalisation (where applicable)	10 working days (20 September 2024)
Gazettal of LEP Amendment	45 working days (22 November 2024)

Part 7 – Assessment Summary - Recommended Gateway Conditions and Determination

Local plan-making authority

It is recommended that Council be authorised to be the local plan-making authority for this proposal for the following reasons:

- the planning proposal is categorised as standard;
- the planning proposal is consistent with the Hunter Regional Plan, the Lake Macquarie Local Strategic Planning Statement, State Environmental Planning Policies; and
- the only inconsistency with Ministerial Directions is justified by a supporting ecological report.

Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the planning proposal is consistent with the Hunter Regional Plan, the Lake Macquarie Local Strategic Planning Statement and State Environmental Planning Policies
- the only inconsistency with Ministerial Directions is justified by a supporting ecological report.



- the planning proposal seeks to rezone a small portion of C2 Environmental Conservation zoned land that has no biodiversity values and is not required as part of an ecological corridor.
- supporting geotechnical, ecological, land contamination and visual impact assessments show future residential development on the subject land is appropriate.
- the proposed amendment does not impact existing approved flood and stormwater management design.
- due to the remediation of the land, the AHIMS report prepared for the site suggests that there are no existing items of Archaeological or Heritage significance present on the site.
- the proposal will result in positive social and economic effects for the local area by the generation of employment opportunities during construction and post-construction phases.
- the site is located within a developing residential precinct and can be fully serviced with electricity, telecommunications, water, sewer and drainage. It is located within the road grid system connected to Fotheringham Road, which will support transport options for buses and provide a connection to Munibung Road and the nearby train station.

Based on the assessment outlined in this report, and as highlighted in Part 3, Section C above, the proposal must be updated before consultation to:

- reflect changes, if any, to the Civil Designs and Site Line Assessment (Attachment 2 of planning proposal), including extent and size of retaining walls and telecommunication poles/towers.

Recommendation

It is recommended the delegate of the Secretary:

- agree that the inconsistency with section 9.1 Direction 3.1 Conservation Zones, as discussed on p.11 above, is justified by the findings of the AEP ecological report prepared to support the planning proposal. Given the finding that there are no biodiversity values within the site, it is also considered that the inconsistency is of minor significance.

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

1. The planning proposal is to be updated to:

- reflect changes, if any, to the Civil Designs and Site Line Assessment (Attachment 2 of planning proposal), including extent and size of retaining walls and telecommunication poles/towers.

2. Prior to community consultation, consultation is required with the following public authorities and organisations:

- NSW Rural Fire Service – to confirm the adequacy of bushfire assessment.
- Transport for NSW – to confirm the need for any local traffic and transport assessment.
- Department of Planning & Environment - Biodiversity and Conservation – to confirm the lack of biodiversity values on the site.
- Subsidence Advisory NSW – to confirm adequacy of potential subsidence risks.



- Hunter Water Corporation.
 - Ausgrid.
 - NSW Environmental Protection Authority – to confirm the adequacy of Council’s additional contamination assessment of the subject land.
 - Awabakal Descendants Traditional Owners Aboriginal Corporation – to be consulted during exhibition of the planning proposal.
3. Prior to community consultation, the planning proposal is to be revised to address conditions 1 and 2 [and forwarded to the Department for review and approval].
 4. The planning proposal should be made available for community consultation for a minimum of 28 days.
 5. The planning proposal must be exhibited three months from the date of the Gateway determination.
 6. The planning proposal must be reported to council for a final recommendation seven months from the date of the Gateway determination.
 7. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
 8. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



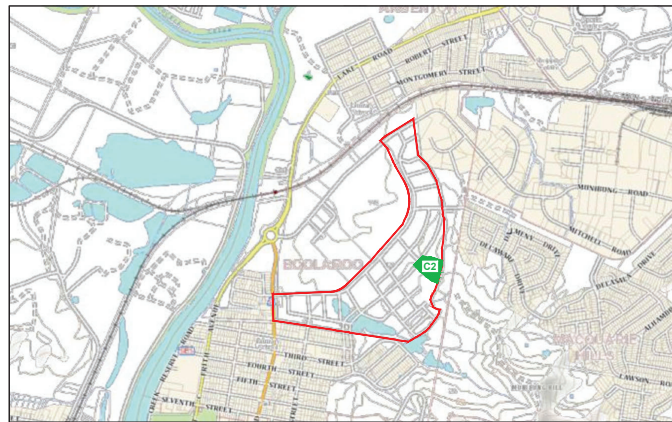
ATTACHMENTS



Attachment 1. Proposed Lot Layout & Retaining Walls

A1

PROPOSED REZONING OF PART OF LOT 1006 DP 1270101 128 MUNIBUNG ROAD BOOLAROO



LOCALITY PLAN

DRAWING SCHEDULE		
NUMBER	TITLE	SCALE
1	COVER SHEET	N.T.S
2	OVERALL PLAN	1:2500
3	DETAIL PLAN	1:500
4	VICAT STREET	AS NOTED
5	FOOT PATH & CRIB WALL - VICAT TO BISHOP	AS NOTED
6	BISHOP STREET	AS NOTED
7	BISHOP STREET	AS NOTED
8	GRILLO STREET	AS NOTED
9	MACKENZIE PARADE	AS NOTED
10	DWIGHT STREET	AS NOTED

REV	DATE	DESCRIPTION	DRAWN	APP.
01	24/10/22	PERMITS FOR WALL	RZF	RZF
02	15/08/22	PERMITS DETAILS	RZF	RZF
03	15/08/22	LOT LAYOUT	RZF	RZF
04	15/04/22	VICAT ST	RZF	RZF
05	03/08/22	LOT PERMITS	RZF	RZF
06	28/08/22	EXPRESS ELECTIONS	RZF	RZF
07	24/05/22	EXPRESS ELECTIONS	RZF	RZF
08	23/05/22	IGA ISSUE	RZF	RZF



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PRELIMINARY
FOR DEVELOPER DECISION

SCALE: N.T.S

DESIGNED: T.O.

SURVEY: --

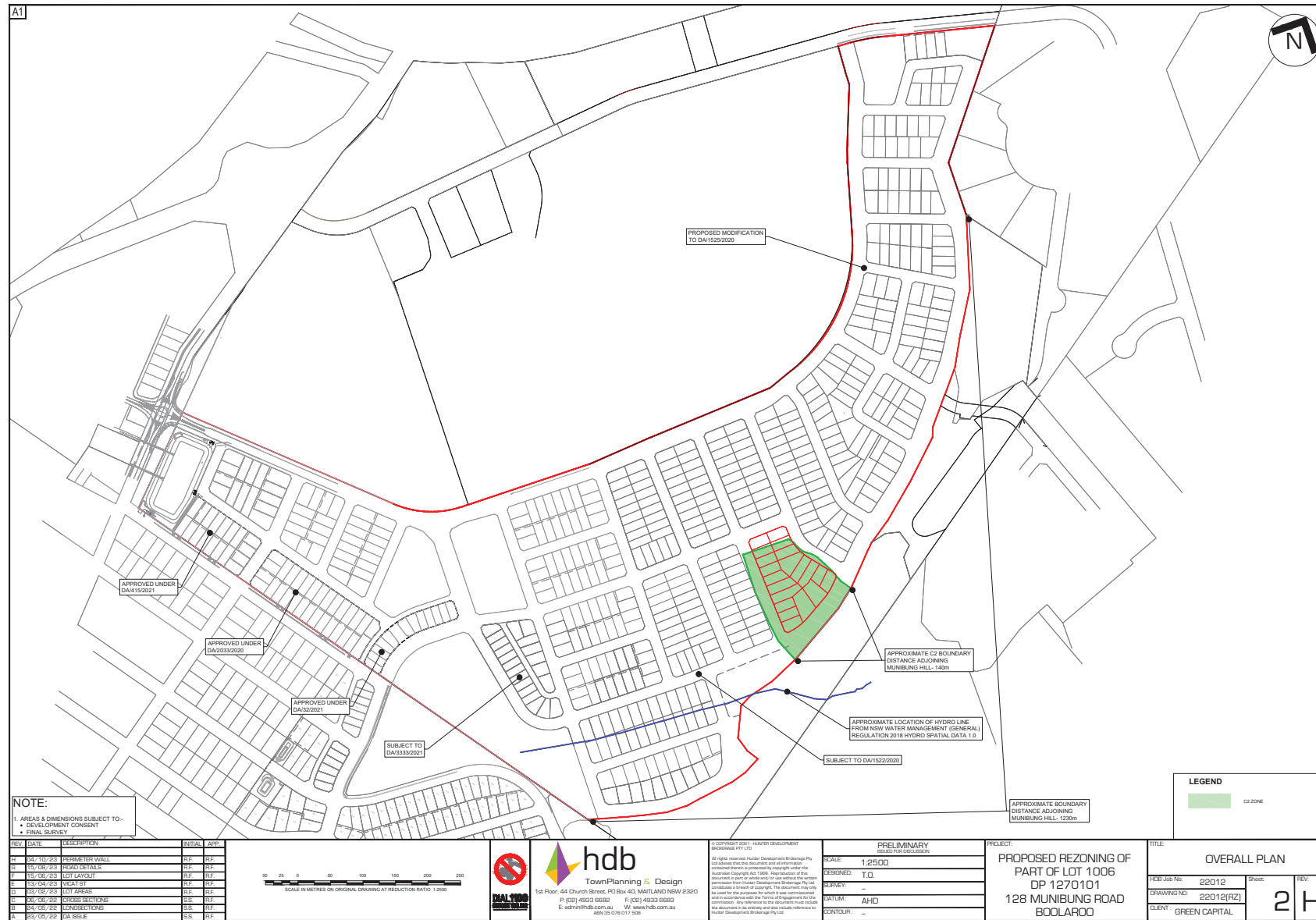
DATE: AHD

CONTOUR: --

PROJECT:

**PROPOSED REZONING OF
PART OF LOT 1006
DP 1270101
128 MUNIBUNG ROAD
BOOLAROO**

TITLE	
OVERALL PLAN	
PROJECT NO:	22012
DRAWING NO:	22012[RZ]
CLIENT:	GREEN CAPITAL
SHEET:	1
REV:	H



NOTE:
 1. AREAS & DIMENSIONS SUBJECT TO:
 • DEVELOPMENT CONSENT
 • FINAL SURVEY

REV	DATE	DESCRIPTION	DRAWN	APP.
01	24/10/23	PERMITS WALL	RF	RF
02	15/08/23	PERMITS DETAILS	RF	RF
03	15/08/23	LOT LAYOUT	RF	RF
04	13/04/23	EXACT ST	RF	RF
05	03/02/23	LOT PERMITS	RF	RF
06	28/08/22	EXCESS SECTIONS	ES	RF
07	24/05/22	EXCESS SECTIONS	ES	RF
08	23/05/22	DA ISSUE	ES	RF



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 PRELIMINARY (FOR DISCUSSION)
 SCALE: 1:2500
 DESIGNED: T.O.
 SURVEY: --
 DATUM: AHD
 CONTOUR: --

PROJECT:
PROPOSED REZONING OF PART OF LOT 1006 DP 1270101 128 MUNIBUNG ROAD BOOLAROO

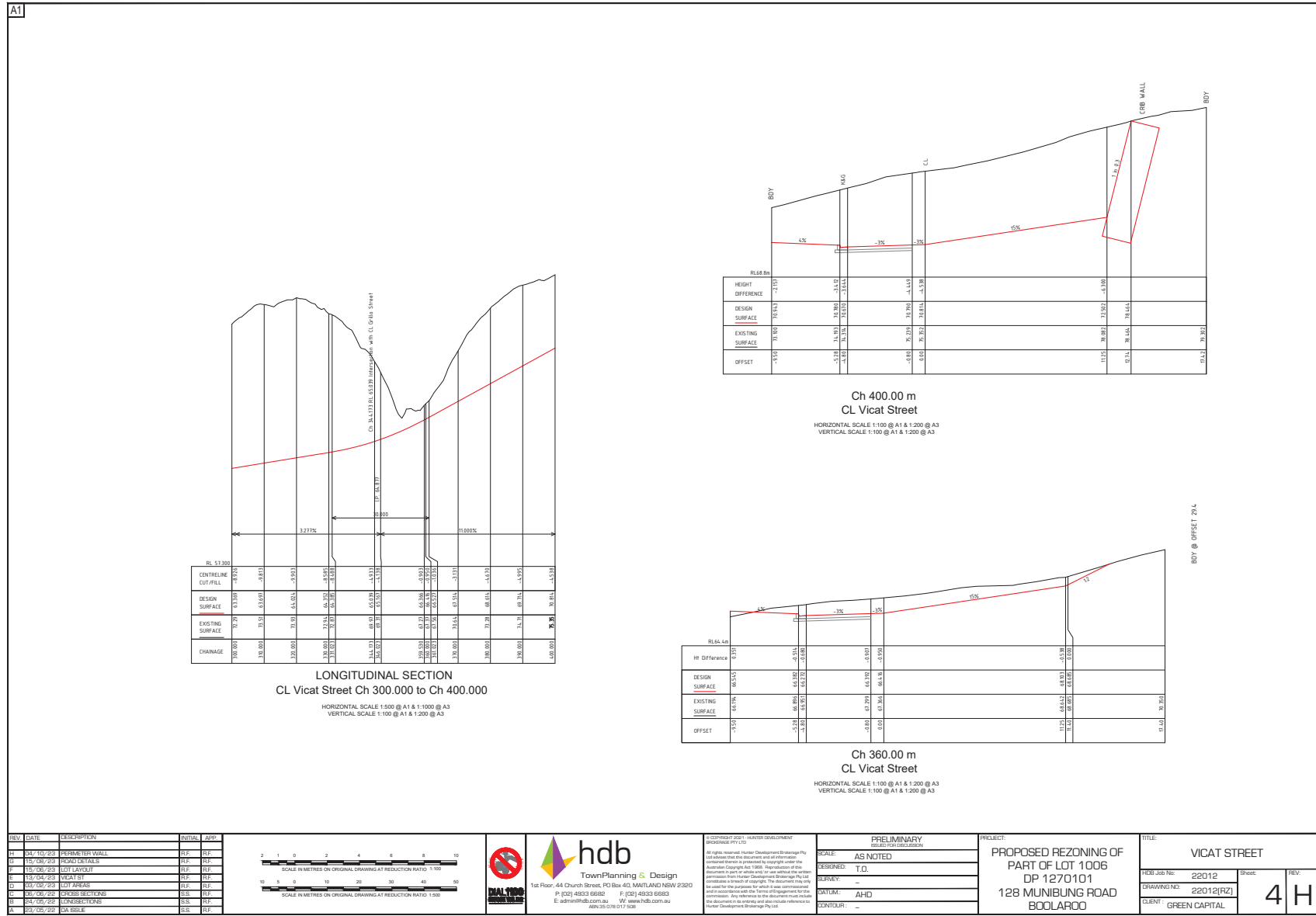
LEGEND
 C2 ZONE

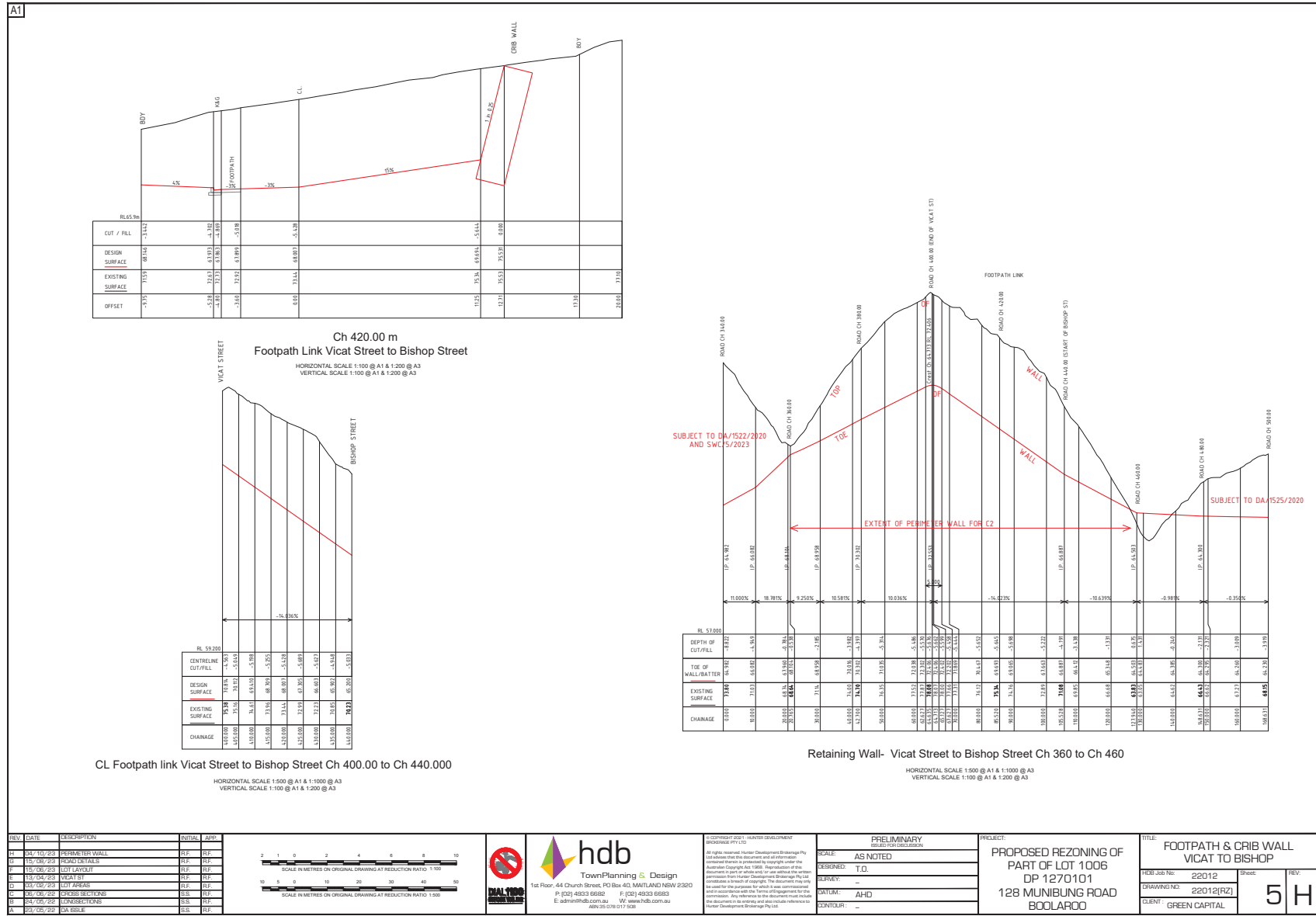
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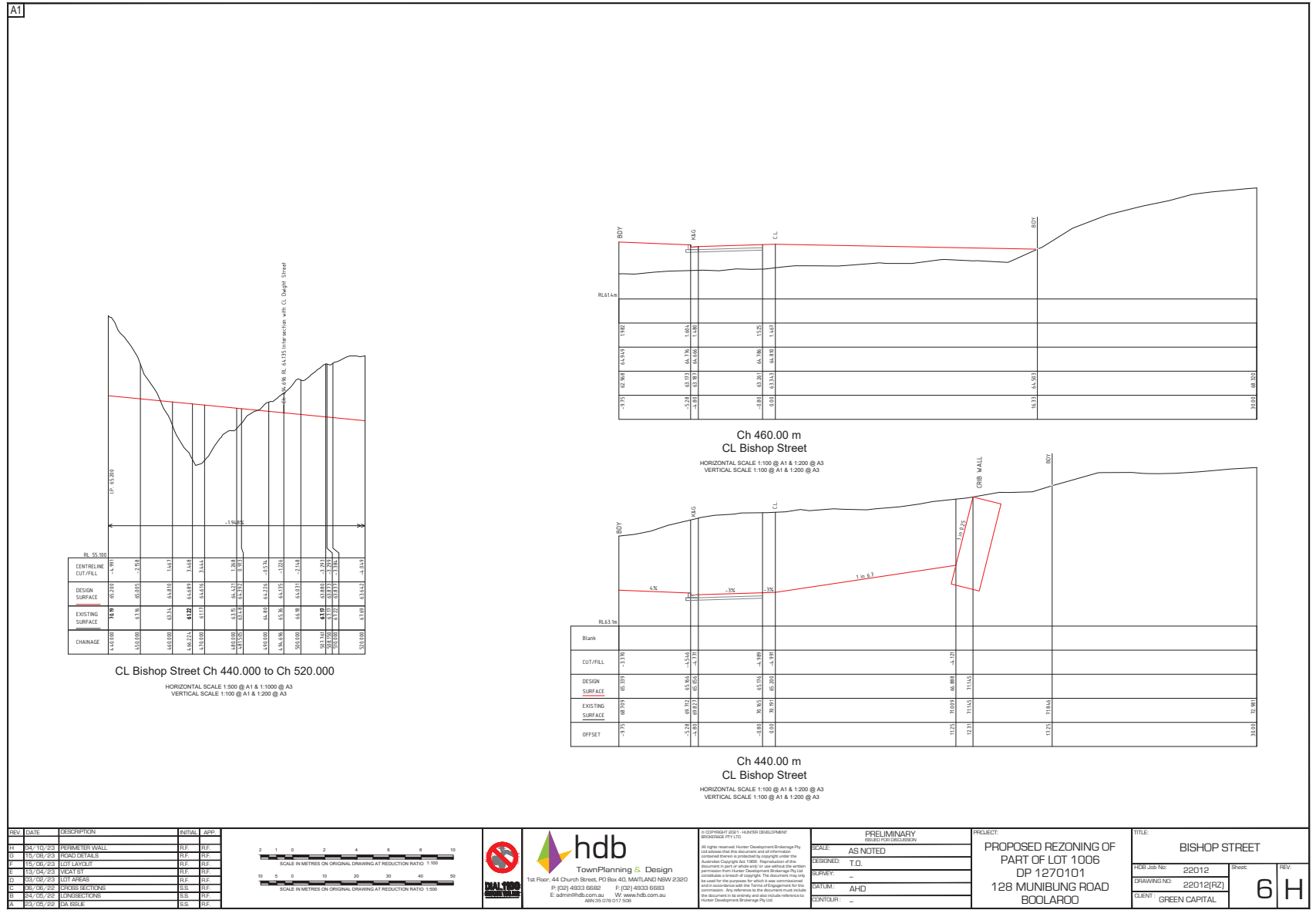
PCRB Job No: 22012
 DRAWING NO: 22012[RZ]
 CLIENT: GREEN CAPITAL

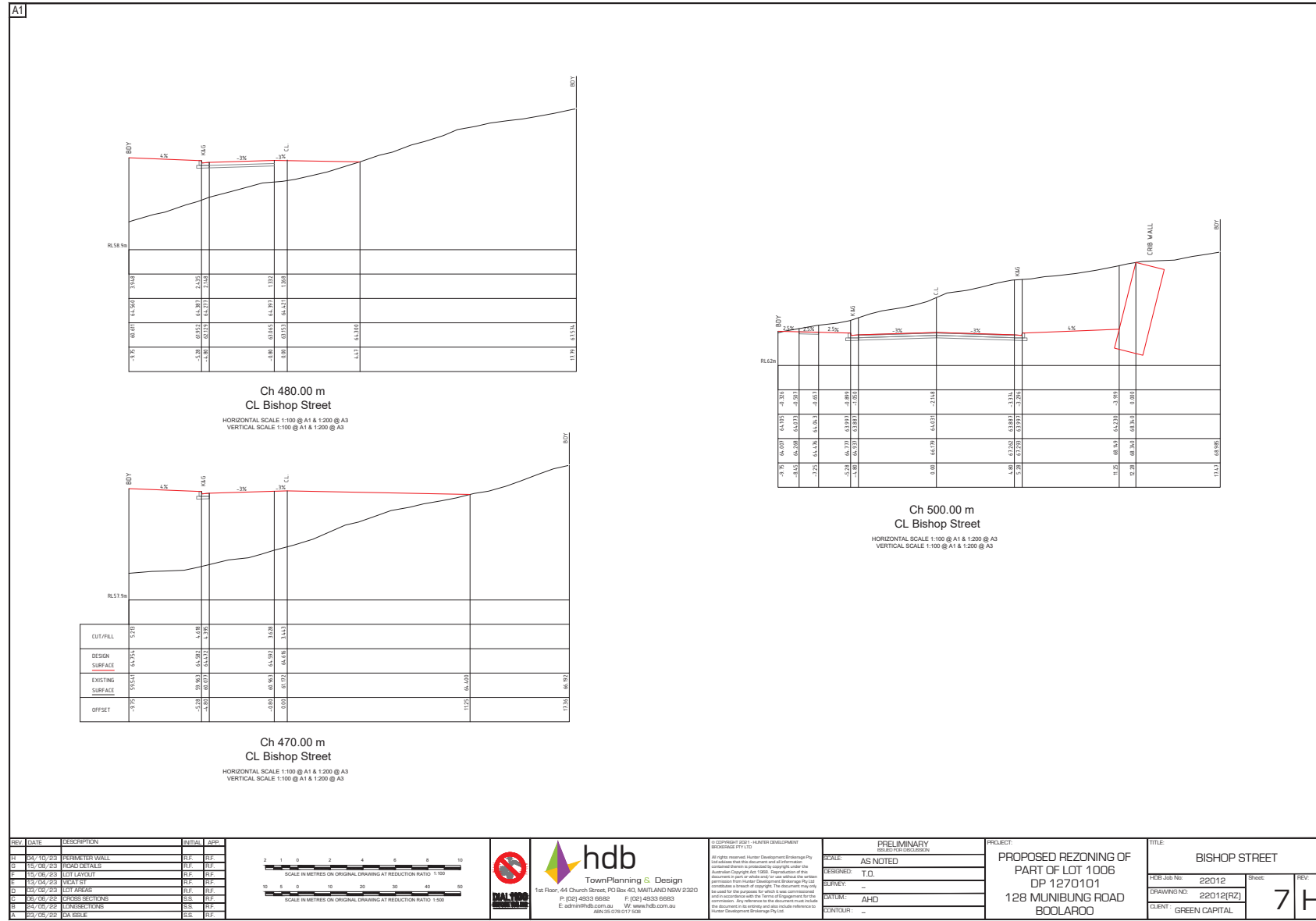
REV: 2
 H

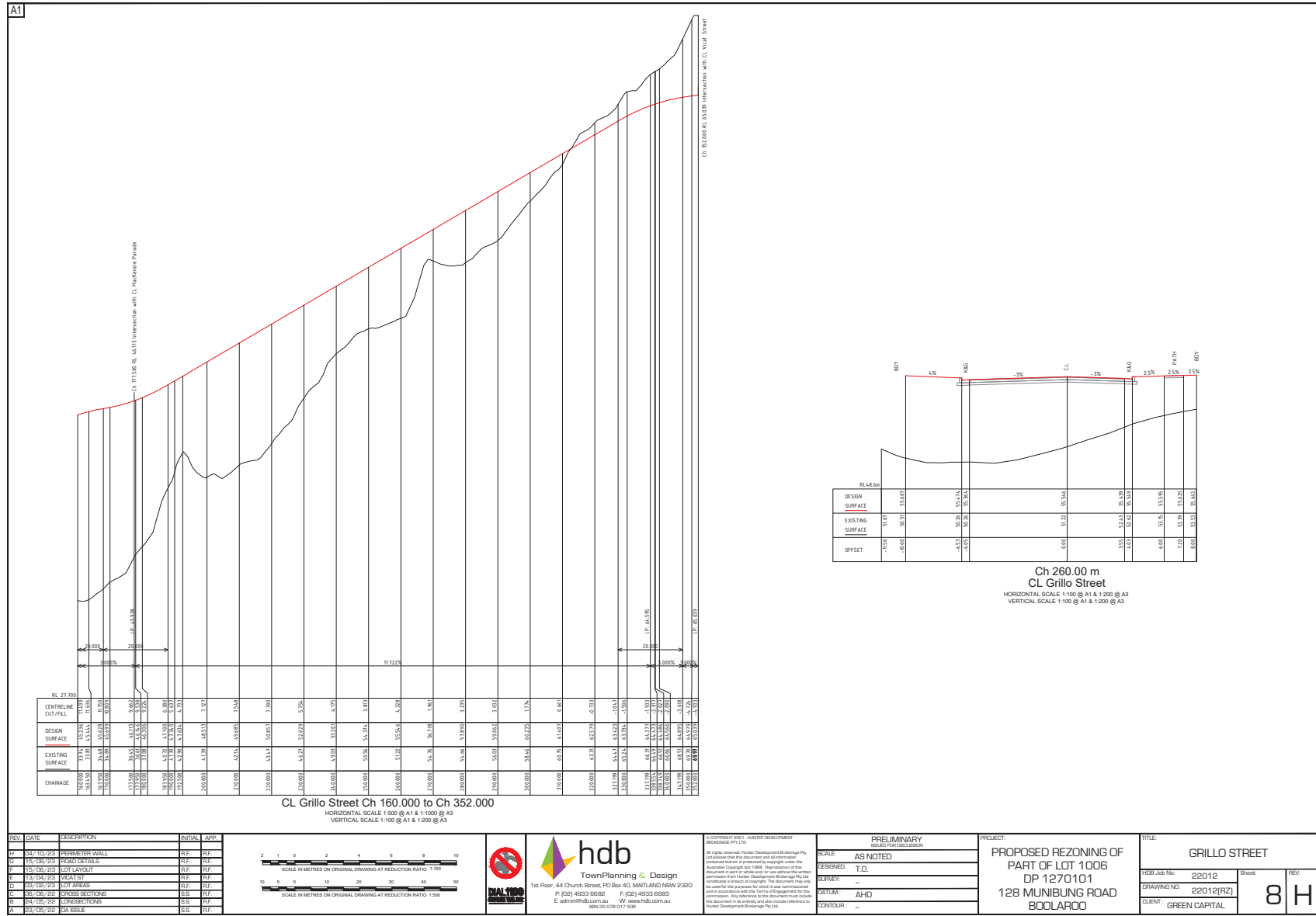


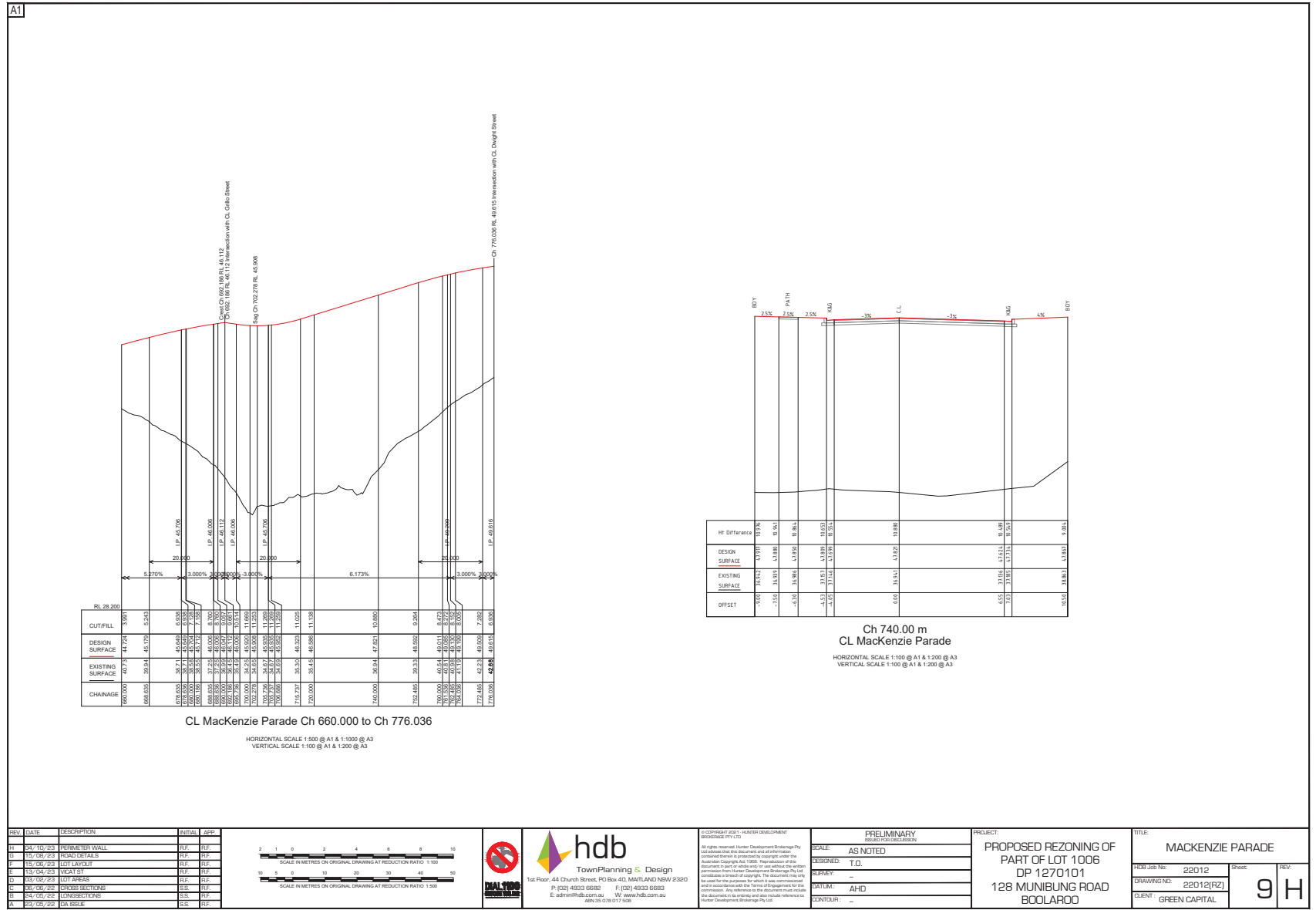


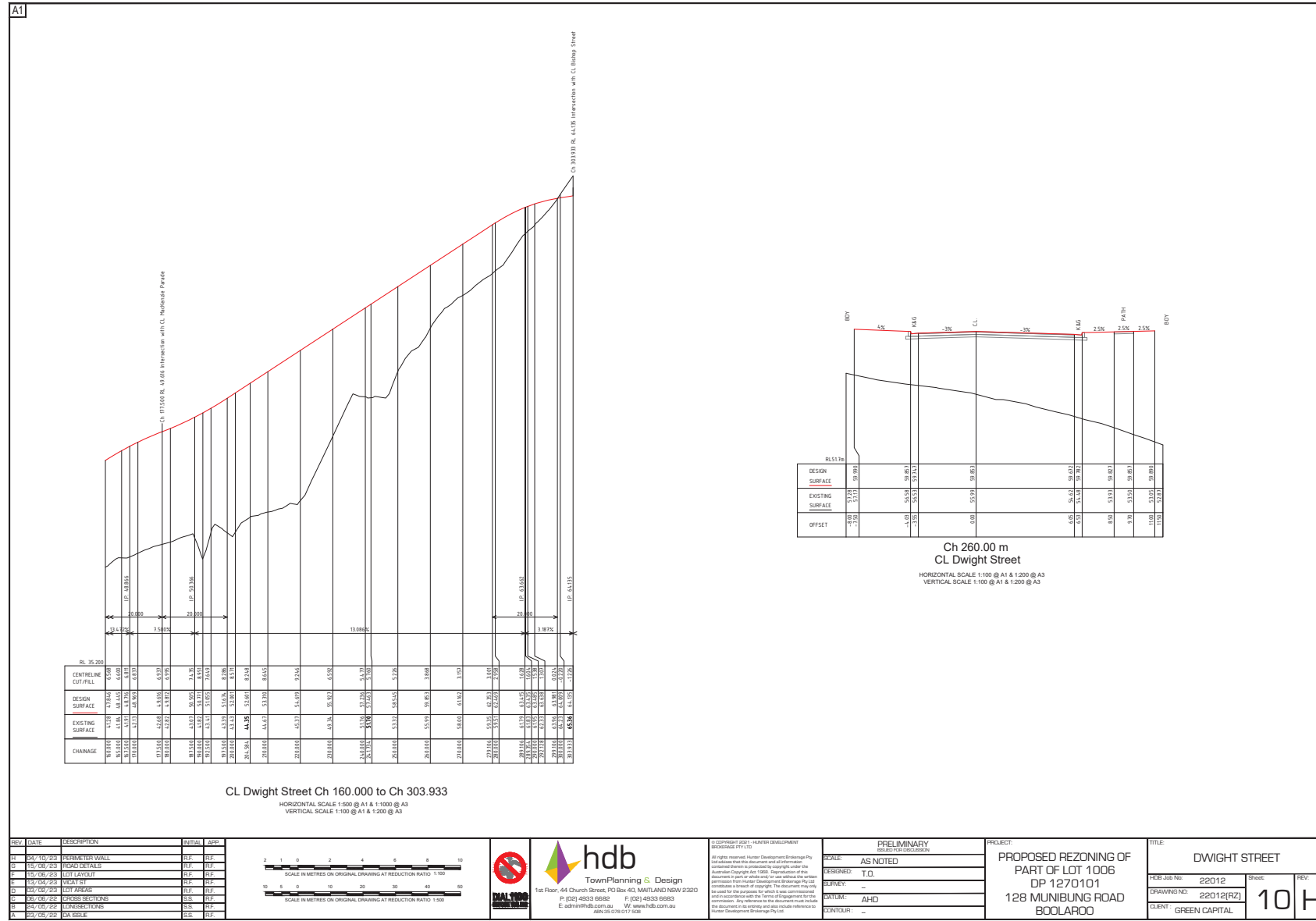




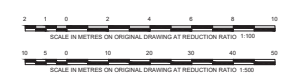








REV	DATE	DESCRIPTION	DRAWN	APP
01	14/10/23	PERMITS FOR WALL	RF	RF
02	15/01/24	PERMITS DETAILS	RF	RF
03	15/06/23	LOT LAYOUT	RF	RF
04	13/04/23	QUAT ST	RF	RF
05	03/07/23	LOT PERMITS	RF	RF
06	28/06/22	EXPRESS NOTATIONS	RF	RF
07	24/05/22	EXPRESS NOTATIONS	RF	RF
08	23/05/22	ISA ISSUE	RF	RF



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PRELIMINARY
 (FOR DEVELOPER'S USE ONLY)

SCALE: AS NOTED
 DESIGNED: T.O.
 DRAWN: --
 DATUM: AHD
 CONTOUR: --

PROJECT:
PROPOSED REZONING OF PART OF LOT 1006 DP 1270101 128 MUNIBUNG ROAD BOOLAROO

TITLE:
DWIGHT STREET

PROJ Job No: 22012
 DRAWING NO: 22012[RZ]
 CLIENT: GREEN CAPITAL

Sheet: **10** of **H**



Attachment 2. Civil Designs and Site Line Assessment

