



PLANNING PROPOSAL
*Amendment to the
Cessnock Local Environment Plan 2011*

Orica - Kurri Kurri
Lot 2 DP809377
1151 George Booth Drive, Richmondvale

Version 1.0
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TABLE of CONTENTS

PART 1:	OBJECTIVES	3
PART 2:	EXPLANATION of PROVISIONS	5
PART 3:	JUSTIFICATION	7
Section A:	Need for Proposal	7
Table 1:	Relevant State Environmental Planning Policies.....	9
Table 2:	Relevant s.117 Ministerial Directions	13
Section C:	Environmental, Social and Economic Impact	18
Section D:	State and Commonwealth Interests	19
PART 4:	MAPPING	20
Map 1:	Location Plan	21
Map 2:	Aerial Location Plan.....	22
Map 3:	Proposed Zoning Layout.....	23
Map 4:	Proposed Minimum Lot Size	24
PART 5:	COMMUNITY CONSULTATION.....	25
PART 6:	PROJECT TIMELINE.....	26
Appendix 1:	Council Report and Minutes	28

PART 1: OBJECTIVES

Objective

The objectives and intended outcomes of the Planning Proposal are to provide clear delineation between conservation and infrastructure land uses on the site by:

- Amending the zoning of the central portion of the site under LEP 2011 and LEP 1989 to SP1 - Special Activities;
- Amending the zoning of the balance of the site under LEP 1989 to E2 - Environmental Conservation;
- Providing certainty for the long term use of the site and potential for future expansion of operations;
- Enabling the relevant authority to consider the potential for future expansion of a major industry use; and

Background

Council has received a request to prepare a Planning Proposal to rezone Lot 2 DP809377 Richmondvale to accommodate the approved Technology Centre and 'Explosives Research and Production Facility' and to facilitate environmental conservation outcomes on the site.

The site is used as an explosive research facility and commenced operations in 1991. Up until 2010, the site operated under three (3) development consents issued by Council. The use was permissible in the 1(a) Rural (A) zone under Schedule 5 - Development for certain additional purposes under LEP 1989 as:

explosives research and production facility involving:

- (a) *the construction and use of offices, laboratories and workshops for the purposes of research into, and development of, explosives and associated manufacturing processes, methods of application of explosives, related advanced engineering processes and blasting physics, and*
- (b) *the production, storage and testing of explosives.*

However, under the Cessnock LEP 2011, which was gazetted in December 2011, the approval was no longer permissible and has been operating under existing use rights of the Environmental Planning and Assessment Act, 1979.

Key components of the approvals included:

- Office and amenities;
- Explosive research and testing facilities;
- Manufacturing facility for specialized explosives; and
- Storage of explosive magazines.

On 26 July 2010, the then Minister for Planning granted approval (MP09_0090) under Part 3A of the Environmental Planning and Assessment Act to Orica Australia P/L for the Orica Ammonium Nitrate Emulsion Project.

The project allowed for the continuation of existing operations as well as the construction of new infrastructure to manufacture and distribute 250,000 tonnes per annum of Ammonium Nitrate Emulsion (ANE).

Key components of the project included:

- Chemical storage tanks
- An ANE manufacturing plant;
- Truck loading facilities including weighbridge;
- New internal access road;
- Utilities and stormwater infrastructure;
- Office, control and switch rooms;
- Laboratories; and
- 31.7ha of on site Biodiversity Offset.

The ANE manufactured at the site are sold primarily to the mining industry for use as an explosive precursor.

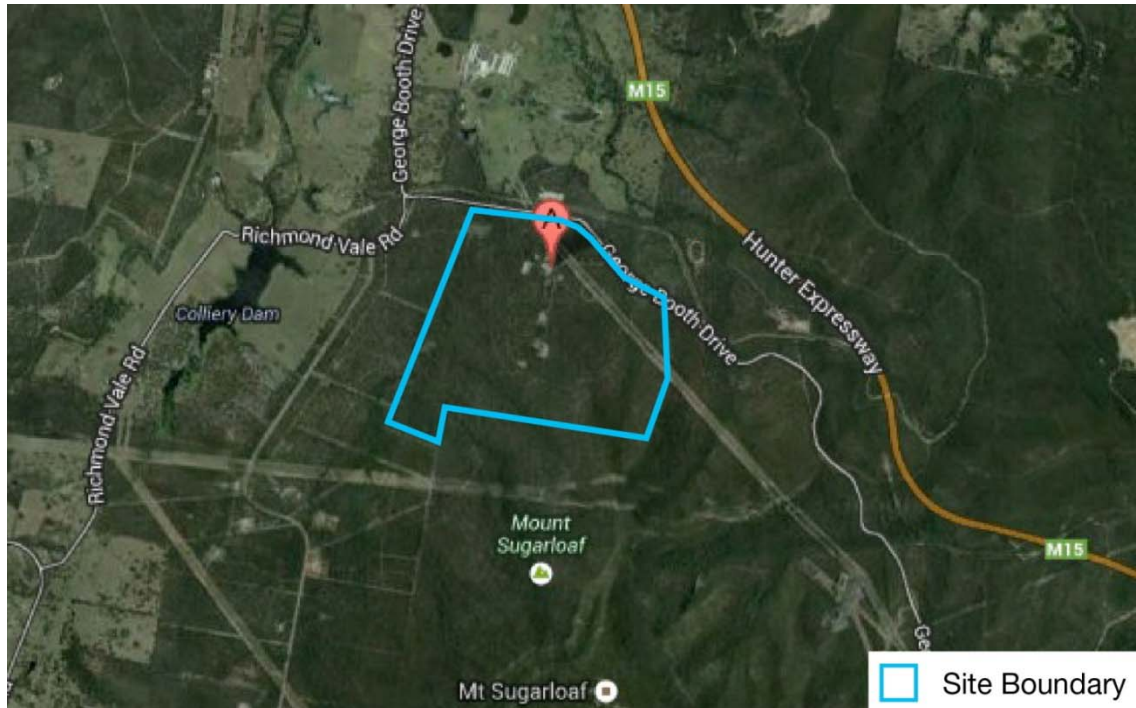


Figure 1: Locality Plan

PART 2: EXPLANATION of PROVISIONS

Cessnock Local Environmental Plan 2011

The Cessnock Local Environmental Plan 2011 is proposed to be amended in the following ways:

Zone SP1 Special Activities

The introduction of the SP1 Special Activities zone to the land use table with the following objectives, permitted and prohibited land uses as follows:

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

2 Permitted without consent

Nil

3 Permitted with consent

Environmental facilities; Environmental protection works; Roads; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose.

4 Prohibited

Any development not specified in item 2 or 3.

Land Zoning Map

The amendment of Land Zoning Map - Sheet LZN_009_080_20130321 and Land Zoning Map - Sheet LZN_009A_040_20130815 by removing the RU2 zone and the parts of the Deferred Matter area and replacement with a new zone SP1 - Special Activities. It is proposed that the zoning map include the following words to identify the purpose being "Explosive Research and Production Facility".

The balance of the site being the eastern and western portions of the site is proposed to be zoned from Rural 1(a) Rural under LEP 1989 shown as 'Deferred Matter' in LEP 2011 to E2 - Environmental Conservation. LEP 1989 permits an explosives research and production facility within the Rural 1(a) Rural zone through Schedule 5 Development for certain additional purposes. The planning proposal to zone the land from Rural 1(a) Rural zone to E2 does not seek to carry this additional permitted use into the E2 zone such that the explosives research and production facility will be restricted to the central portion of the site proposed to be zoned SP1 - Special Activities.

Minimum Lot Size Map

Corresponding amendments to the minimum lot size maps are also required, with an 80ha minimum lot size for land zoned E2 - Environmental Conservation under the Cessnock LEP 2011. A minimum lot size will not apply to the SP1 - Special Activities zone land.

The amendment of the Minimum Lot Size Map Sheet 1720_COM_LSZ_009_080_20111208 and Minimum Lot Size Map Sheet 1720_COM_LSZ_009A_040_20130614 by removing the 40ha minimum lot size for the area proposed to be zoned SP1.

The balance of the site being the eastern and western portions of the site proposed to be zoned from Rural 1(a) Rural under CLEP 1989 to E2 - Environmental Conservation is proposed to have a minimum lot size of 80ha,.

The subject land is shown in the locality plan as Map1.

An indicative zoning and minimum lot size map are shown as Map 2 and Map 3 respectively.

PART 3: JUSTIFICATION

In accordance with the Department of Planning's "Guide to Preparing Planning Proposals", this section provides a response to the following issues:

- Section A: Need for Proposal;
- Section B: Relationship to Strategic Planning Framework;
- Section C: Environmental, Social and Economic Impact; and
- Section D: State and Commonwealth Interests

Section A: Need for Proposal

1. Resulting from a Strategic Study or Report

The Planning Proposal is not the result of a strategic study or report. The Planning Proposal addresses the zoning of land from part 1(a) Rural (A) (LEP 1989) representing the 'Deferred Matter' part of the site in LEP 2011 and RU2 - Rural Landscape (LEP 2011) to SP1 - Special Activities (Explosive Research and Production Facility) and E2 - Environmental Conservation under LEP 2011 to provide planning certainty for the existing and future operations on site and to facilitate environmental conservation outcomes.

The rezoning will ensure that the Orica Kurri Kurri approval for the site continues to be permissible under the provisions of Cessnock LEP 2011 and not operate under the existing use rights of the Environmental Planning and Assessment Act, 1979.

2. Planning Proposal as best way to achieve objectives

Yes. The primary intent of the Planning Proposal is to regularise the zoning of the site following the introduction of LEP 2011 and provide reasonable planning (land use permissibility) certainty going forward.

Without a rezoning, the current operations and future expansion or redevelopment works, including minor matters would be restricted to existing use rights provisions which have the potential to significantly limit the extent of physical and operational expansion of non-conforming uses.

The proposal has an existing project approval over the site and Orica Limited could potentially rely on modifications to the project. However, there is uncertainty as to the long term continuation of this planning approval pathway for modifications to major projects which potentially may not be relied upon.

In addition, the rezoning will ensure the areas identified for biodiversity offsets will be further protected under the E2 - Environmental Conservation zone, which has limited permissible uses, rather than the existing RU2 - Rural Landscape zoning.

Currently, there is a biodiversity off-set arrangement in place for the south-western corner of the site adjacent to the Sugarloaf Conservation area and future similar offsets are envisaged through a VPA to maintain an appropriate area for biodiversity conservation.

It is considered that given the approved uses for the site, rezoning the subject areas to SP1 - Special Activities and Infrastructure E2 - Environmental Conservation is the most appropriate method to achieve the objectives and intended outcomes.

Section B: Relationship to Strategic Planning Framework

3. Consistency with Objectives and Actions within Regional Strategies

Lower Hunter Regional Strategy

The site is not situated within an identified centre or employment land but has the capacity to accommodate expansion of a facility that provides critical services to the region's mining industry. Whilst it is not proposed to zone the land to an industrial or business zone, the proposed SP1 - Special Activities zone will enable the future expansion of a facility that already employs approximately 310 staff at the site and with future growth associated with potential expansion plans.

City Wide Settlement Strategy

The City Wide Settlement Strategy aims to recognise major infrastructure across the Cessnock LGA. The proposed rezoning will provide land suitable for employment purposes, directly through the Technology Centre and 'Explosives Research and Production Facility' and indirectly through the broader context of supporting Hunter mining.

The site is strategically located in close proximity to the regional road network and is already well serviced by various utility and communication infrastructure. The Planning Proposal is consistent with the aims and objectives of the CWSS.

Lower Hunter Regional Conservation Plan

The Lower Hunter Regional Conservation Plan details a 25 year program to direct and drive conservation planning and efforts in the Lower Hunter Valley. The Plan:

- analyses the impacts of the urban development scenarios in the LHRS;
- presents a biodiversity investment guide that identifies areas that could be targeted for public or private land conservation or restoration;
- identifies mechanisms for biodiversity conservation through investment in the Lower Hunter (at a landscape level);
- provides a guide for local government authorities to plan for biodiversity protection, conservation and management, and local environmental planning instruments.

The land excluding the proposed SP1 - Special Activities Zone is to be rezoned to E2 - Environmental Conservation representing 176ha. However, this is not in-lieu of establishing a bio-banking offset arrangement with the Office of Environment and Heritage.

Preliminary advice from the Office of Environment and Heritage confirmed that a biodiversity VPA will need to be developed as part of the Planning Proposal, being capable of providing certainty for future land uses whilst also being broad enough to contemplate off-site offsets.

Ongoing discussions with the Office of Environment and Heritage and the proponent will be undertaken to ensure that the development achieves the 'improve or maintain' principle under the Native Vegetation Conservation Act 2003 in respect of any future development on site.

4. Consistency with Council's Community Strategic Plan or other Local Strategic Plan

Community Strategic Plan - Our People, Our Place, Our Future

The Cessnock Community Strategic Plan 2023 was prepared in 2013 and identifies the community's main priorities and expectations for the future and ways to achieve these goals. A range of strategic directions are provided in the document which relate to the social, environmental and economic health, sustainability and prosperity of the LGA. The objectives and associated strategic directions relevant to the planning proposal relate to "Diversifying local business options"; "Achieving more sustainable employment opportunities", and "Protecting & enhancing the natural environment & the rural character of the area". The planning proposal is consistent with these objectives by:

- The SP1 - Special Activities zone will provide a level of certainty to expand a major mining related operator that will facilitate a range of employment opportunities.
- The proposal to zone the rural areas of the site to E2 - Environmental Conservation. This will provide further certainty that site's Environmental Constraints will be maintained over the majority of the site.

5. Consistency with State Environmental Planning Policies

There are no existing or draft SEPPs that prohibit or restrict the proposed development as outlined in this planning proposal. An assessment of relevant SEPPs against the planning proposal is provided in the table below.

Table 1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 6 – Number of Storeys in a Building	Clarifies the reference to storey, floors and levels.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 15 - Rural Land Sharing Communities	The SEPP provides for multiple occupancy development, with council consent, in rural and non-urban zones, subject to a list of criteria in the policy.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 21 -Caravan Parks	The SEPP provides for development for caravan parks.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 22 – Shops and commercial premises	The SEPP provides for the change of use of commercial premises.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 30 – Intensive Agriculture	The SEPP provides considerations for consent for intensive agriculture.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	The SEPP makes provision for the re-development of urban land suitable for multi-unit housing and related development.	Nothing in this planning proposal affects the aims and provisions of this SEPP.

SEPP 33 – Hazardous & Offensive Development	The SEPP provides considerations for consent for hazardous & offensive development.	This planning proposal does not require the preparation of a preliminary hazard analysis (PHA) as no development works are proposed at this stage. However, any future application seeking consent for such works will require meeting the requirements of SEPP No.33. Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 36 – Manufactured Homes Estates	The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 44 – Koala Habitat Protection	This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	Previous ecological studies for approved Ammonium Nitrate Emulsion (ANE) Production Facility identified that the survey area did not include core koala habitat. Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 55 – Remediation of Land	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination	Any future applications seeking development consent for additional works will require meeting the requirements of SEPP No.55 Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 62 – Sustainable Aquaculture	The SEPP relates to development for aquaculture and to development arising from rezoning of land and is of relevance for the site specific rezoning proposals.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 64 – Advertising and Signage	Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP 65 - Design Quality of Residential Development	The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	Nothing in this planning proposal affects the aims and provisions of this SEPP.

SEPP Building Sustainability Index: BASIX 2004	The SEPP provides for the implementation of BASIX throughout the State.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP Housing for Seniors or People with a Disability 2004	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP Major Development 2005	The SEPP defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by Joint Regional Planning Panels (JRPPs) and classes of regional development to be determined by JRPPs.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP Infrastructure 2007	The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	The Planning Proposal does not propose any new works or parking provision but recent traffic counts have been prepared and are compared to February 2009 traffic counts. This demonstrates that the daily traffic counts in George Booth Drive are significantly less following the opening of the Hunter Expressway. Referral to the NSW Roads and Maritime Services (RMS) for comment.
SEPP Mining, Petroleum Production and Extractive Industries 2007	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	Nothing in this planning proposal affects the aims and provisions of this SEPP
SEPP Temporary Structures 2007	The SEPP provides for the erection of temporary structures and the use of places of public entertainment while protect public safety & local amenity.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP Exempt and Complying Development Codes 2008	The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for	Nothing in this planning proposal affects the aims and provisions of this SEPP.

	development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.	
SEPP Rural Lands 2008	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	The rural planning principles contained within SEPP (Rural Lands) encourage the protection and promotion of opportunities for productive and sustainable economic activities in rural areas. The SEPP also identifies that in planning for rural lands, the social, economic and environmental interests of the community are to be balanced. The rezoning will result in the loss of 292ha of land zoned for rural purposes. However, the site has an approval for an Ammonium Nitrate Emulsion facility and is no longer suitable for rural purposes. The balance of the site is proposed to be zoned E2 - Environmental Conservation. As it is not proposed to carry over the additional permitted land use for the balance of the site, the existing character of the majority of the site will be maintained. Overall, it is considered that the rezoning would result in an outcome where by the social, economic and environmental interests are balanced. As such, the rezoning is appropriate for the site in which it is located, and does not raise any issues that conflict with SEPP Rural Lands.
SEPP Affordable Rental Housing 2009	The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP State and Regional Development 2011	The SEPP aims to identify development and infrastructure that is State significant and confer functions on the Joint Regional Planning Panels (JRPPs) to determine development applications.	Nothing in this planning proposal affects the aims and provisions of this SEPP.

7. Consistency with s.117 Ministerial Directions for Local Plan Making

There are no s.117 Ministerial Direction that the planning proposal is inconsistent with. An assessment of relevant s.117 Directions against the planning proposal is provided in the table below.

Table 2: Relevant s.117 Ministerial Directions

Ministerial Direction	Aim of Direction	Consistency and Implication
1. EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	Encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	Planning proposal not affected by this direction.
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	While it is required that Direction 1.2 be considered, it is not intended to zone the land to residential, business, industrial, village or tourist zone but to a special activity zone which will enable the maintenance and future expansion of operations. The proposed zones do not fall into the categories above, as such, this Direction does not apply to this Planning Proposal.
1.3 Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Nothing in this planning proposal affects the aims and provisions of this Direction.
1.5 Rural Lands	The objective of this direction is to protect the agricultural production value of rural land and facilitate the economic development of rural lands for rural related purposes.	The Planning Proposal is inconsistent with clause 3(a) of this direction, however, the inconsistency are justified for the following reasons:- • The rezoning will result in the loss of 292ha of rural land not identified as regionally significant agricultural land representing 116ha to be rezoned of SP1 - Special Activities and 176ha to be rezoned E2 - Environmental Conservation. • The (then) Department of Planning approved the ANE and supporting biodiversity offsets in July 2010 and provides a balanced outcome

		for social, economic and environmental interests. As it is not proposed to carry over the additional permitted land use for the balance of the site, the existing character of the majority of the site will be maintained. For these reasons, it is considered the planning proposal is justified despite the inconsistency with this Direction.
2. ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	The land excluding the proposed SP1 - Special Activities Zone is to be rezoned to E2 - Environmental Conservation representing 176ha. However, this is not in-lieu of establishing a bio-banking offset arrangement with the Office of Environment and Heritage. Preliminary advice from the Office of Environment and Heritage confirmed that a biodiversity VPA will need to be developed as part of the Planning Proposal, being capable of providing certainty for future land uses whilst also being broad enough to contemplate off-site offsets. Ongoing discussions with the Office of Environment and Heritage and the proponent will be undertaken to ensure that the development achieves the 'improve or maintain' principle under the Native Vegetation Conservation Act 2003 in respect of future development on site.
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	An Aboriginal Cultural Heritage Assessment was prepared for the Major Project Application in relation to the approved ANE facility, however it is understood that survey work related only to a portion of the site that was relevant to the Major Project Application. Any future DA that involves works to areas beyond the previously surveyed areas will require investigations. Nothing in this planning proposal affects the aims and

		provisions of this Direction
2.4 Recreation Vehicle Areas	The draft LEP amendment does not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>).	Nothing in this planning proposal affects the aims and provisions of this Direction
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	Encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands.	Planning Proposal not affected by this direction..
3.2 Caravan parks and Manufactured Home Estates	The objective of this direction is to provide for a variety of housing types, and provide opportunities for caravan parks and manufactured home estates.	Planning Proposal not affected by this direction.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Planning Proposal not affected by this direction..
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.	The Echidna Drive / George Booth Drive intersection which provides vehicle access to the Orica Site and the adjoining road network in George Booth Drive and John Renshaw Drive have adequate road capacity to easily accommodate the future additional traffic from Orica, if the rezoning is approved and any future development occurs. The new interchange with Hunter Expressway near the George Booth Drive and John Renshaw Drive intersection provides convenient access to the Expressway from the Orica Site. George Booth Drive and John Renshaw Drive are approved B Double routes and provide safe vehicle routes / roads to and from the Orica Site for all vehicles including heavy vehicles. Council will seek to consult with the Roads and Maritime Service (RMS) on these matters should the planning

		proposal progress.
3.5 Development Near Licensed Aerodromes	The objectives of this direction to ensure the efficient and safe operation of aerodromes, ensure their operation is not compromised by incompatible future adjoining land uses.	Planning Proposal not affected by this direction.
3.6 Shooting Ranges	The objective of this direction is to maintain appropriate levels of public safety and amenity, reduce land use conflict and identify issues that must be addressed when rezoning land adjacent to an existing shooting range.	Planning proposal not affected by this direction.
4. HAZARD AND RISK		
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils	Planning proposal not affected by this direction.
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	Planning proposal not affected by this direction.
4.3 Flood Prone Land	The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and that the provisions of an LEP on flood prone land are commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.	Planning proposal not affected by this direction..
4.4 Planning for Bushfire Protection	The objectives of this direction are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, to encourage sound management of bush fire prone areas.	The Planning Proposal applies to land identified as containing bushfire prone vegetation. The site is classified as a bushfire prone area. No development is proposed but any future development application will be designed to include the required Asset Protection Zone (APZ) as well as other fire prevention and firefighting measures for bushfire protection as required under the "Planning for Bushfire Protection 2006." The previous major project approval for the ANE Production Facility

		provides APZs; adoption of appropriate building construction materials; provision of emergency response service access; provision of firefighting measures such as water tanks; and evacuation routes. It is considered that adoption of the above measures will ensure that the Planning Proposal will be consistent with this Direction.
5. REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The LHRS is relevant. The planning proposal will assist in the achievement of the LHRS objectives by maximizing economic opportunities and job growth whilst also being broad enough to contemplate both on-site and off-site biodiversity offsets. It is considered that the Planning Proposal is consistent with this Direction.
6. LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The Planning Proposal does not propose amendments which require concurrence, consultation or referral of development applications to the Minister. The Planning Proposal does not identify any development as designated development. It is considered that the Planning Proposal is consistent with this Direction.
6.2 Reserving Land for Public Purposes	The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Planning proposal not affected by this direction.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The Planning Proposal does not propose to allow a particular development to be carried out on site.

Section C: Environmental, Social and Economic Impact

8. Impact on Threatened Species

The site is subject to an existing Part 3A approval for the Ammonium Nitrate Emulsion (ANE) Project on site and works are currently being undertaken in accordance with this approval. The primary purpose of this planning proposal is to enable the approved Ammonium Nitrate Emulsion Project to operate as a permissible use on the site, rather than an existing use. A significant amount of assessment was carried out as part of the Ammonium Nitrate Emulsion Project application to determine the impact of development on the site. This included ecological assessment under S5A of the EP&A Act, Threatened Species Conservation Act 1995 and Environmental Protection and Biodiversity Conservation Act 1999.

In accordance with the Part 3A approval, areas have been set aside for environmental conservation to offset the ecological impacts. This Planning Proposal will rezone these portions of the site to E2 - Environmental Conservation in addition to the land excluding the proposed SP1 - Special Activities Zone, which will provide further protection to the areas identified for their biodiversity values. Given this, the proposed rezoning is considered to have a positive effect on the environment as the E2 - Environmental Conservation zone will offer greater protection to the areas identified for biodiversity offsets than the existing RU2 - Rural Landscape Zone.

9. Environmental Impact

The land excluding the proposed SP1 - Special Activities Zone is to be rezoned to E2 - Environmental Conservation representing 176ha. However, this is not in-lieu of establishing a bio-banking offset arrangement with the Office of Environment and Heritage.

Preliminary advice from the Office of Environment and Heritage confirmed that a biodiversity VPA will need to be developed as part of the Planning Proposal, being capable of providing certainty for future land uses whilst also being broad enough to contemplate off-site offsets.

Ongoing discussions with the Office of Environment and Heritage and the proponent will be undertaken to ensure that the development achieves the 'improve or maintain' principle under the Native Vegetation Conservation Act 2003 in respect of future development on site.

10. Social and Economic Impacts

A social and economic impact assessment was undertaken for the Planning Proposal. The investigation indicates a positive balance of impacts, however the study acknowledges that there are negative impacts associated with increased residential densities such as increased noise and amenity issues. It is considered that area improvements will result from the development through the preparation/implementation of a Local Infrastructure Voluntary Planning Agreement.

The Archaeological Assessment undertaken for the site concludes that there are no Aboriginal objects found within the study area.

There are no items of European heritage significance located within the Precinct.

Section D: State and Commonwealth Interests

11. Adequate Public Infrastructure

As an approval was issued for the Ammonium Nitrate Emulsion Project on site, it is assumed that there is adequate public infrastructure for the intended use of the site. As such, it is considered that there is adequate public infrastructure for the planning proposal.

Traffic and Road Works

The preparation of a Voluntary Planning Agreement will be undertaken to ensure the adequate provision of local infrastructure (including the impacts of additional traffic on the local road network generated by future residential development, contributions to local open space and community facilities and drainage works).

Ongoing discussions with the Proponent will be required prior to this matter being reported, considered and endorsed by Council.

Satisfactory arrangements through the Standard Instrument have been made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

12. Consultation with State and Commonwealth Authorities

Significant consultation was undertaken with both State and Commonwealth authorities through the Part 3A assessment. The matters raised by those authorities were addressed through this process, such as the provision of offsets and mine subsidence works. Further consultation will be undertaken with the following statutory authorities and agencies:

- Rural Fire Service (RFS);
- Office of Environment and Heritage (OEH); and
- Roads and Maritime Services (RMS).

Ongoing discussions with the Office of Environment and Heritage and the proponent will be undertaken to ensure that the development achieves the 'improve or maintain' principle under the Native Vegetation Conservation Act 2003 in respect of future development on site.

PART 4: MAPPING

The Planning Proposal seeks to amend the Cessnock Local Environmental Plan 2011 as follows:-

Land Zoning Map

The amendment of Land Zoning Map - Sheet LZN_009_080_20130321 and Land Zoning Map - Sheet LZN_009A_040_20130815 by removing the RU2 zone and the parts of the Deferred Matter area and replacement with a new zone SP1 - Special Activities. It is proposed that the zoning map include the following words to identify the purpose being "Explosive Research and Production Facility".

The balance of the site being the eastern and western portions of the site is proposed to be zoned from Rural 1(a) Rural under LEP 1989 shown as 'Deferred Matter' in LEP 2011 to E2 - Environmental Conservation. LEP 1989 permits an explosives research and production facility within the Rural 1(a) Rural zone through Schedule 5 Development for certain additional purposes. The planning proposal to zone the land from Rural 1(a) Rural zone to E2 does not seek to carry this additional permitted use into the E2 zone such that the explosives research and production facility will be restricted to the central portion of the site proposed to be zoned SP1 - Special Activities.

Minimum Lot Size Map

Corresponding amendments to the minimum lot size maps are also required, with an 80ha minimum lot size for land zoned E2 - Environmental Conservation under the Cessnock LEP 2011. A minimum lot size will not apply to the SP1 - Special Activities zone land.

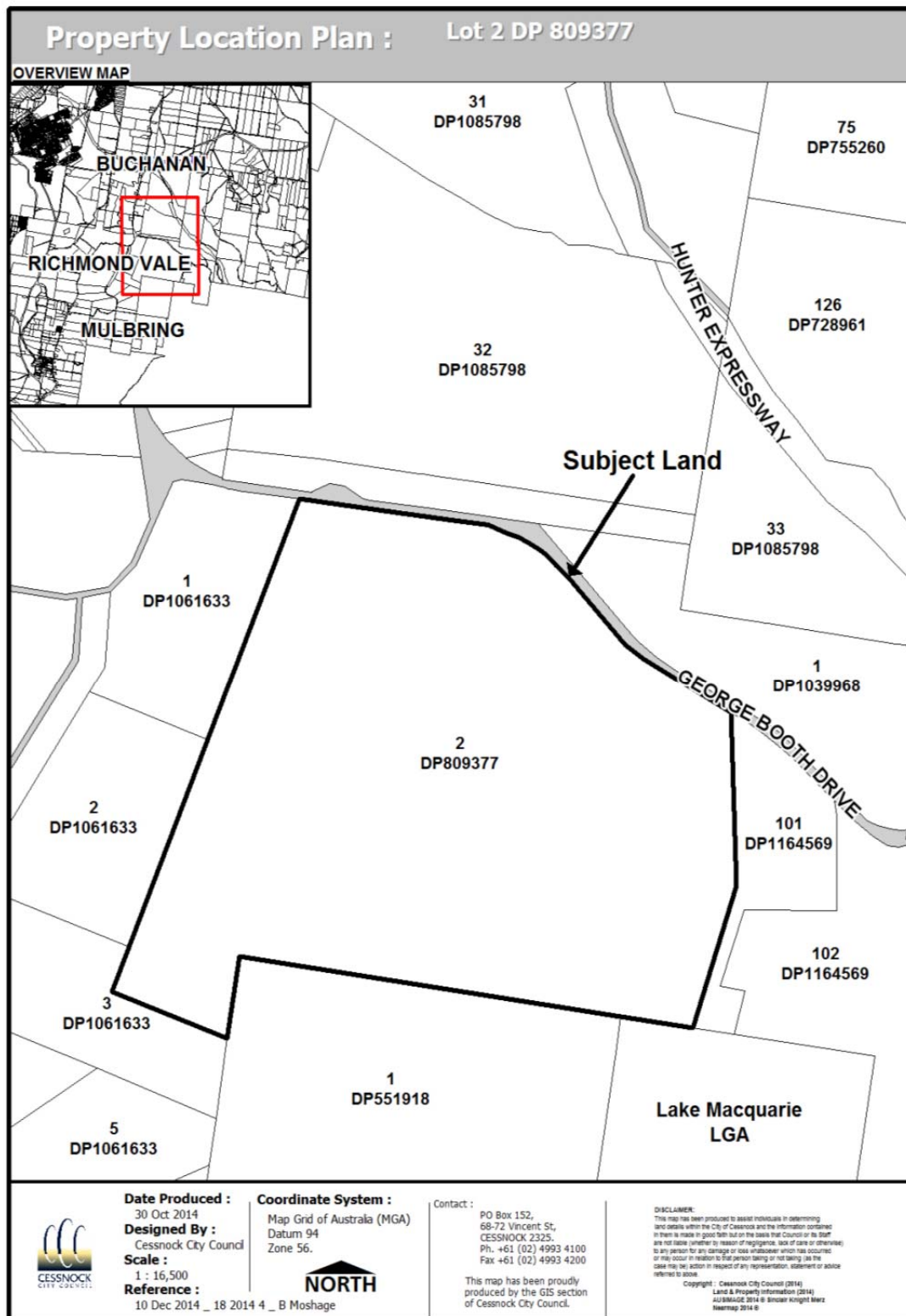
The amendment of the Minimum Lot Size Map Sheet 1720_COM_LSZ_009_080_20111208 and Minimum Lot Size Map Sheet 1720_COM_LSZ_009A_040_20130614 by removing the 40ha minimum lot size for the area proposed to be zoned SP1.

The balance of the site being the eastern and western portions of the site proposed to be zoned from Rural 1(a) Rural under CLEP 1989 to E2 - Environmental Conservation is proposed to have a minimum lot size of 80ha,.

The subject land is shown in the locality plan as Map1.

An indicative zoning and minimum lot size map are shown as Map 2 and Map 3 respectively.

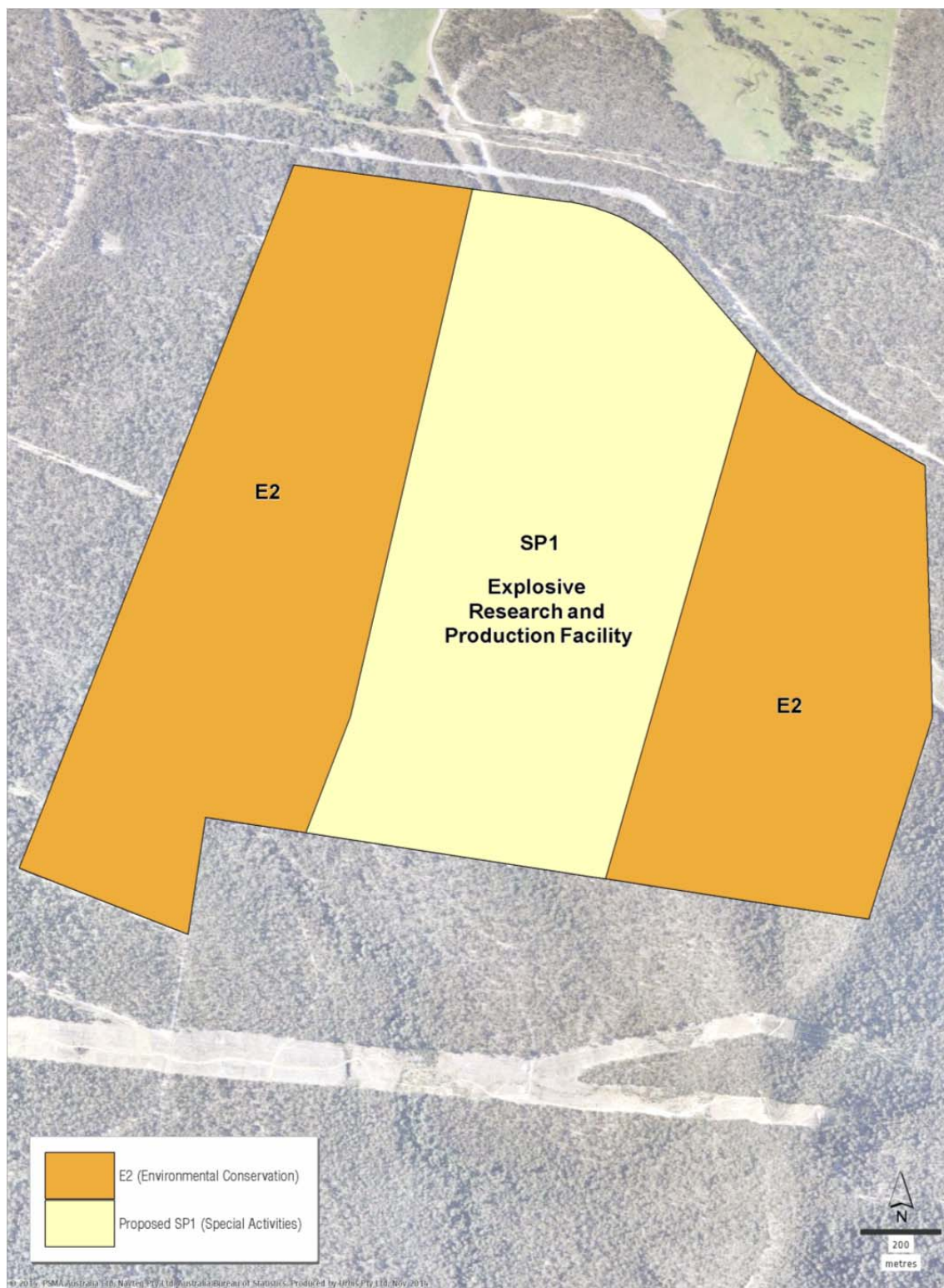
Map 1: Location Plan



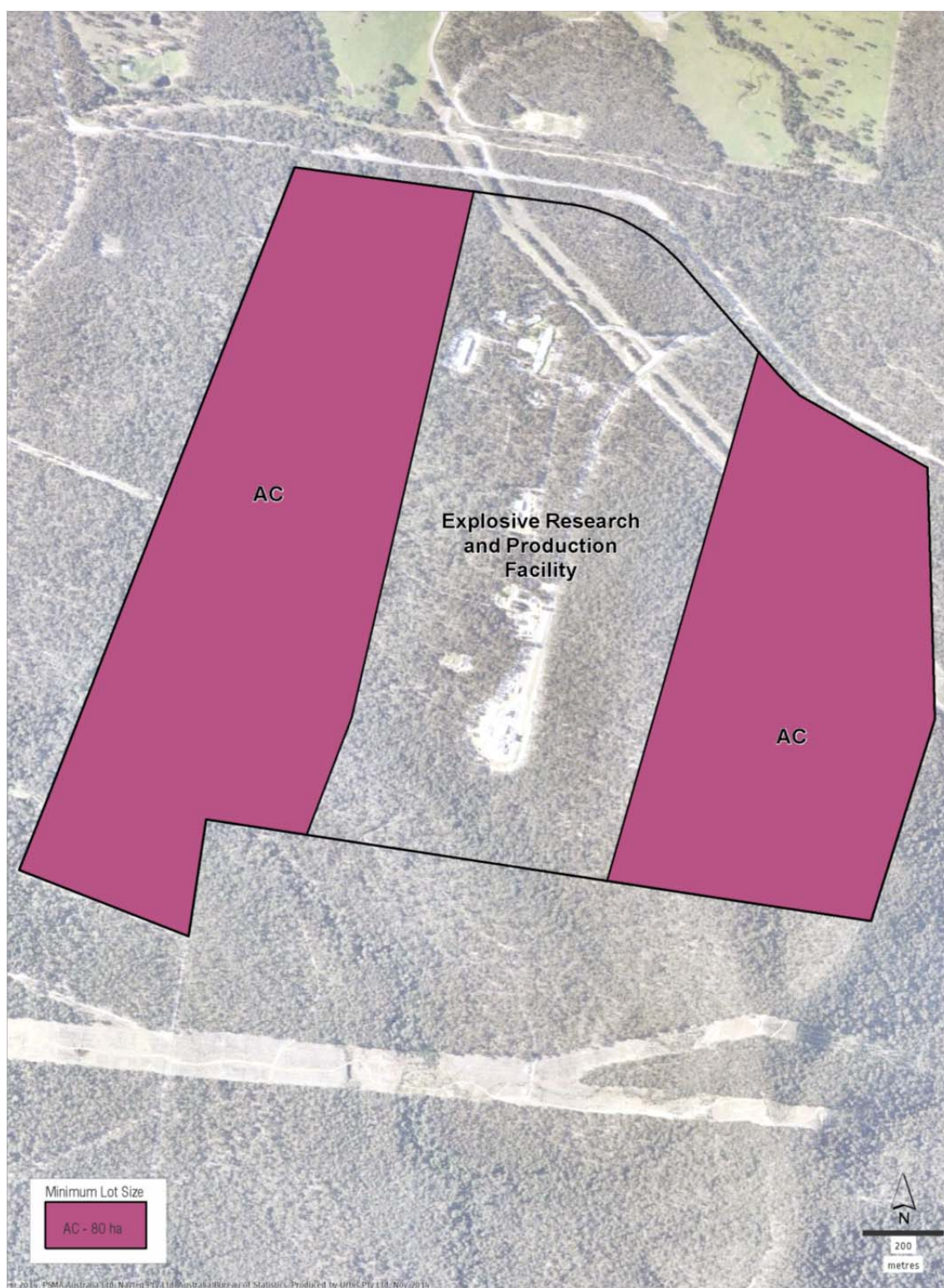
Map 2: Aerial Location Plan



Map 3: Proposed Zoning Layout



Map 4: Proposed Minimum Lot Size



PART 5: COMMUNITY CONSULTATION

Community consultation will be undertaken in accordance with Council's guidelines and any specific requirements made by the Department of Planning and Infrastructure during the gateway determination.

Council will seek to consult with the following statutory authorities and agencies:

- Roads and Maritime Services (RMS)
- Office of Environment and Heritage (OEH);
- NSW Rural Fire Services (RFS)

Council will seek to exhibit the Planning Proposal for a period of twenty eight (28) days in accordance with Council's Notification Policy.

PART 6: PROJECT TIMELINE

The Project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval. It is estimated that this amendment to the Cessnock Local Environmental Plan 2011 will be completed by August 2015.

PROJECT TIMELINE

	Dec 2014	Jan 2015	Feb 2015	Mar 2015	Apr 2015	May 2015	Jun 2015	Jul 2015	Aug 2015
STAGE 1 Submit Planning Proposal to Planning & Environment									
STAGE 2 Anticipated commencement date (Gateway Determination)									
STAGE 3 Agency Consultation									
STAGE 4 Preparation of documentation for Public Exhibition									
STAGE 5 Public Exhibition									
STAGE 6 Review/consideration of submission received									
STAGE 7 Report to Council									
STAGE 8 Forward Planning Proposal to Planning & Environment with request amendment be made									

Appendix 1: Council Report and Minutes

Content

Council report

Council minutes

Planning and Environment

Report No. PE152/2014

Planning and Environment



SUBJECT: *PLANNING PROPOSAL - ORICA (KURRI KURRI)*

AUTHOR: *Acting Strategic Land Use Planning Manager - Scott Christie*

APPLICATION NUMBER:	18/2014/4/1
PROPOSAL:	Orica Kurri Kurri
PROPERTY DESCRIPTION:	Lot 2 DP809377
PROPERTY ADDRESS:	1151 George Booth Drive, Richmond Vale
ZONE (CURRENT):	1(a) Rural (A) (LEP 1989) and RU2 – Rural Landscape (LEP 2011)
ZONE (PROPOSED):	SP1 - Special Uses - (Technology Centre and Explosive Research and Production Facility) and E2 - Environmental Conservation
OWNER:	Orica (Australia) Pty Ltd
PROPONENT:	Urbis Pty Ltd

SUMMARY

The purpose of this report is for Council to consider a Planning Proposal to rezone land at 1151 George Booth Drive, Richmond Vale (known as Orica - Kurri Kurri) to accommodate the approved and existing use of a Technology Centre and 'Explosives Research and Production Facility'.

The Planning Proposal addresses the zoning of land from part 1(a) Rural (A) (LEP 1989) representing the 'Deferred Matter' part of the site in LEP 2011 and RU2 - Rural Landscape (LEP 2011) to SP1 - Special Activities (Technology Centre and Explosive Research and Production Facility) and E2 - Environmental Conservation under LEP 2011 to provide planning certainty for the existing and future operations on site and to facilitate environmental conservation outcomes.

The rezoning will ensure that the Orica Kurri Kurri operation at the site will be permissible under the provisions of Cessnock LEP 2011 and not operate under the existing use rights of the Environmental Planning and Assessment Act, 1979.

RECOMMENDATION

That Council forward the Planning Proposal for Orica Kurri Kurri to rezone land from part 1(a) Rural (A) (LEP 1989) and RU2 - Rural Landscape Zone (LEP 2011) to SP1 - Special Activities (Technology Centre and Explosive Research and Production Facility) and E2 - Environmental Conservation to the NSW Department of Planning and Environment for a "Gateway" determination.

Planning and Environment

Report No. PE152/2014

Planning and Environment



BACKGROUND

Council has received a request to prepare a Planning Proposal to rezone Lot 2 DP809377 Richmond Vale to accommodate the approved and existing Technology Centre and 'Explosives Research and Production Facility' and to facilitate environmental conservation outcomes on the site.

The site is used as a Technology Centre and Explosive Research Facility and commenced operations in 1991. Up until 2010, the site operated under three (3) development consents issued by Council. The use was permissible in the 1(a) Rural (A) zone under Schedule 5 - Development for certain additional purposes under LEP 1989 as:

explosives research and production facility involving:

- (a) the construction and use of offices, laboratories and workshops for the purposes of research into, and development of, explosives and associated manufacturing processes, methods of application of explosives, related advanced engineering processes and blasting physics, and*
- (b) the production, storage and testing of explosives.*

However, under the Cessnock LEP 2011, which was gazetted in December 2011, the approval was no longer permissible and has been operating under existing use rights of the Environmental Planning and Assessment Act, 1979.

Key components of the approvals included:

- Office and amenities;
- Explosive research and testing facilities;
- Manufacturing facility for specialized explosives; and
- Storage of explosive magazines.

On 26 July 2010, the then Minister for Planning granted approval (MP09_0090) under Part 3A of the Environmental Planning and Assessment Act to Orica Australia P/L for the Orica Ammonium Nitrate Emulsion Project.

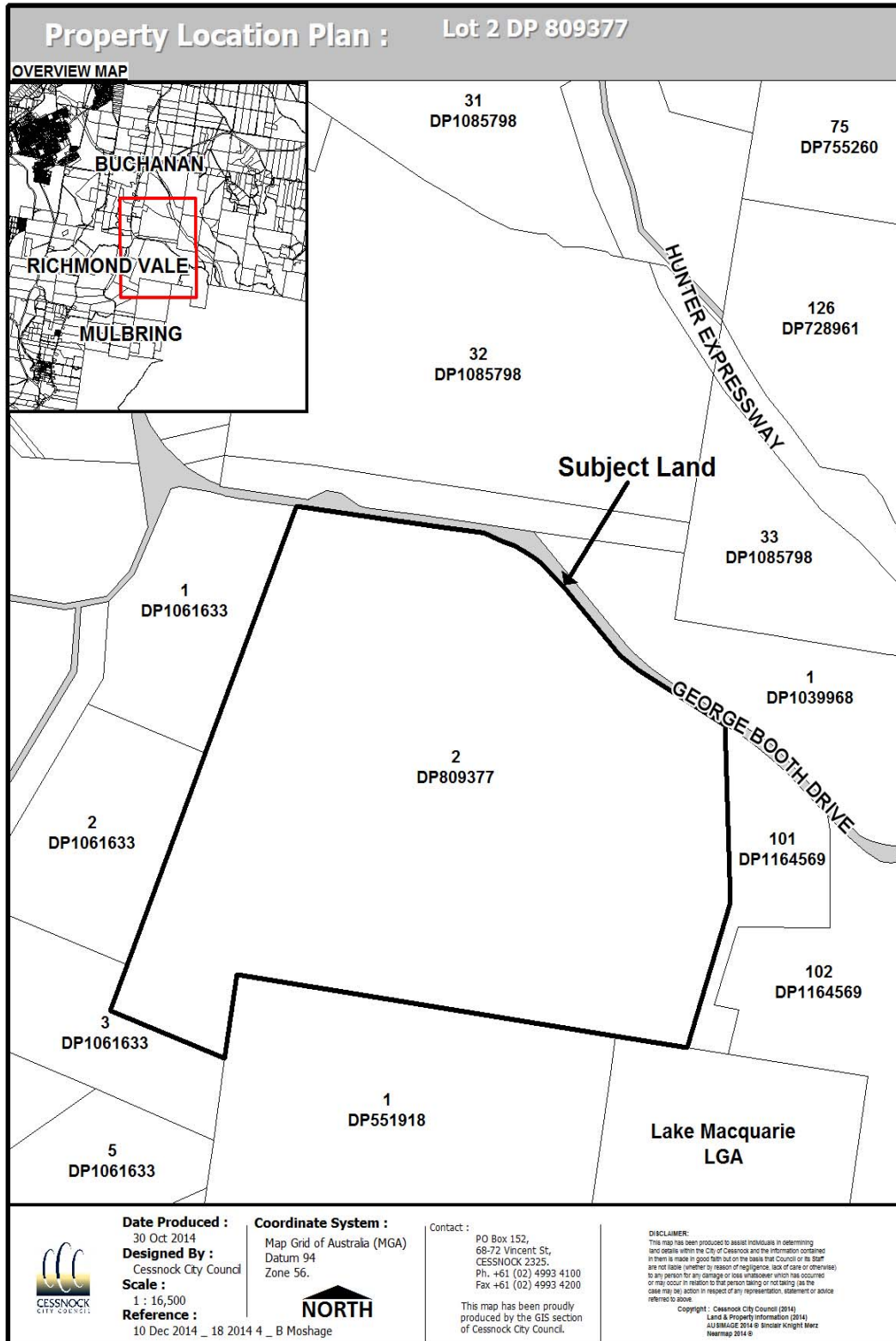
The project allowed for the continuation of existing operations as well as the construction of new infrastructure to manufacture and distribute 250,000 tonnes per annum of Ammonium Nitrate Emulsion (ANE).

Key components of the project included:

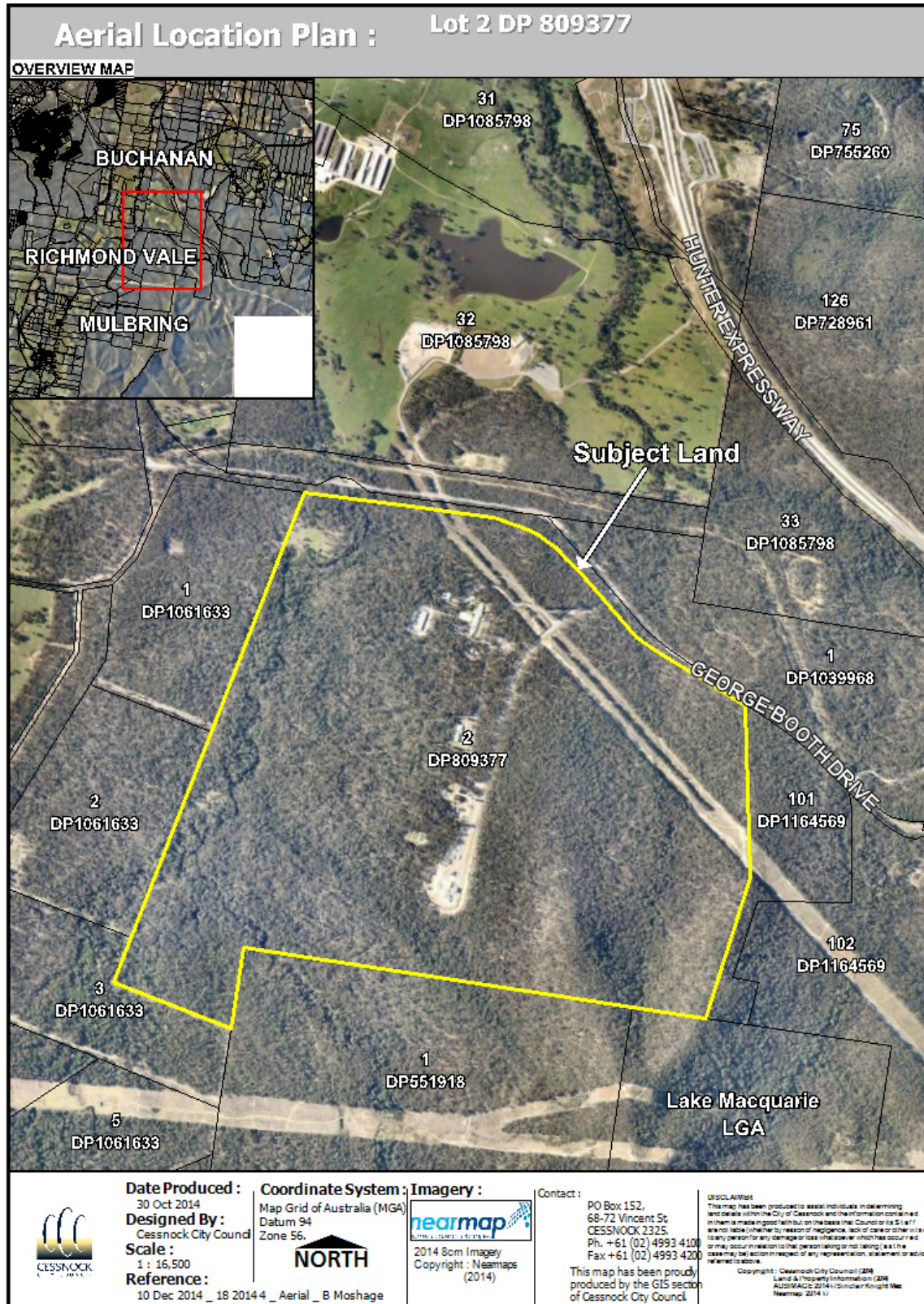
- Chemical storage tanks
- An ANE manufacturing plant;
- Truck loading facilities including weighbridge;
- New internal access road;
- Utilities and stormwater infrastructure;
- Office, control and switch rooms;
- Laboratories; and
- 31.7ha of on site Biodiversity Offset.

The ANE manufactured at the site are sold primarily to the mining industry for use as an explosive precursor.

Location Map



Aerial View



Chronology

Date	Brief Description
1 September 2014	Planning Proposal - lodged with Council
30 October 2014	Meeting with Office of Environment and Heritage

REPORT/PROPOSAL

Council has received a request to prepare a Planning Proposal to rezone Lot 2 DP 809377 Richmond Vale to accommodate the recently approved Technology Centre and 'Explosives Research and Production Facility' and to facilitate environmental conservation outcomes on the site.

The site is located 22km west of Newcastle and 5km to the south east of Kurri Kurri. The site is approximately 292ha with the majority of the site featuring a bush setting. Operations on the site are limited to the central area of the site with a development footprint that spans generally in a north – south direction.

The Planning Proposal has been prepared to ensure that the site is suitably zoned for the approved use as a Technology Centre and Explosives Research and Production Facility and to ensure that any further development of the site may be carried out as development with consent, rather than under existing use rights of the Environmental Planning and Assessment Act, 1979.

The impacts of development on the site were addressed through the Part 3A Project Application for the Orica Ammonium Nitrate Emulsion (ANE) Project on 26 July 2010. The proposed SP1 - Special Activities zoning will reinforce the approved uses on the site as a Technology Centre and 'Explosives Research and Production Facility'. The E2 - Environmental Conservation zone covers the balance of the site, including the 31.7 ha of on-site biodiversity offset provided in the south-western corner of the site adjacent to the Sugarloaf Conservation Area under the 2010 ANE approval.

Corresponding amendments to the minimum lot size maps are also proposed, with an 80ha minimum lot size for land zoned E2 - Environmental Conservation under the Cessnock LEP 2011. A minimum lot size will not apply to land to be zoned SP1 - Special Activities.

It is considered that given the approved uses over this site, rezoning to SP1 - Special Activities and Infrastructure E2 - Environmental Conservation is the most appropriate method to achieve the objectives and intended outcomes of the Planning Proposal to accommodate the recently approved Technology Centre and 'Explosives Research and Production Facility' and to facilitate and support environmental conservation outcomes on site.

Preliminary advice from the Office of Environment and Heritage (OEH) confirmed that this is not in-lieu of establishing a bio-banking offset arrangement and a biodiversity offset VPA will need to be developed as part of the Planning Proposal, being capable of providing certainty for future land uses whilst also being broad enough to contemplate off-site offsets.

Ongoing discussions with the OEH and the proponent will be undertaken to ensure that the development achieves the 'improve or maintain' principle under the Native Vegetation Conservation Act 2003.

Planning and Environment

Report No. PE152/2014

Planning and Environment



The anticipated changes are outlined in the Planning Proposal provided as Attachment 1 in the Enclosure Document.

OPTIONS

1. Submit Planning Proposal - Orica (Kurri Kurri) to the Department of Planning and Environment NSW as an amendment to the Cessnock Local Environmental Plan 2011.
2. Council may determine to not proceed with the Planning Proposal for the following reasons:

(To be provided by Council)

CONSULTATION

Formal consultation with selected statutory agencies, including with the wider community, will be undertaken following and as directed by, the “Gateway” determination. It is recommended that the Planning Proposal be exhibited for a period of 28 days.

Should the Planning Proposal progress through the “Gateway”, Council will seek to consult with the following statutory authorities and agencies:

- Roads and Maritime Service (RMS);
- Office of Environment and Heritage (OEH); and
- NSW Rural Fire Services (RFS).

It is noted that discussions have already been held with the Department of Planning and the Office of Environment and Heritage. In addition, internal consultation has been made with the Principal Natural Environment Planner.

STRATEGIC LINKS

a. Delivery Program

A Sustainable and Healthy Environment: Objective 3.1 Protecting and Enhancing the Natural Environment and the Rural Character of the Area.

b. Other Plans

City Wide Settlement Strategy

The City Wide Settlement Strategy aims to recognise major infrastructure across the Cessnock LGA. The Planning Proposal will rezone land suitable for employment purposes, directly through the Technology Centre and ‘Explosives Research and Production Facility’ and indirectly through the broader context of supporting Hunter mining. The proposed rezoning will also provide for environmental outcomes through the application of the E2 - Environmental Conservation zone. The Planning Proposal is considered to be consistent with the aims and objectives of the City Wide Settlement Strategy.

Lower Hunter Regional Conservation Plan

The Lower Hunter Regional Conservation Plan details a 25 year program to direct and drive conservation planning and efforts in the Lower Hunter Valley. The Plan:

- analyses the impacts of the urban development scenarios in the LHRS;
- presents a biodiversity investment guide that identifies areas that could be targeted for public or private land conservation or restoration;
- identifies mechanisms for biodiversity conservation through investment in the Lower Hunter (at a landscape level);
- provides a guide for local government authorities to plan for biodiversity protection, conservation and management, and local environmental planning instruments.

The site, excluding the proposed SP1 - Special Activities Zone, is to be rezoned to E2 - Environmental Conservation. However, preliminary advice from the Office of Environment and Heritage confirmed that this would not be in-lieu of establishing a bio-banking offset arrangement and any future required offsets will need to be in accordance with the bio-banking tool.

The rezoning is not inconsistent with the objectives of the Lower Hunter Regional Conservation Plan and ongoing discussions with the Office of Environment and Heritage will be undertaken to provide a positive outcome for environmental conservation.

State Environmental Planning Policies

An assessment has been undertaken to determine the level of consistency the proposal has with the relevant State Environmental Planning Policies. No issues have been identified that would prevent the Planning Proposal being submitted to the 'Gateway' process for determination. Details of SEPPs are contained within the Planning Proposal as Enclosure 1.

SEPP (Rural Lands) 2008

The aim of SEPP (Rural Lands) 2008 is to facilitate the orderly and economic use and development of rural lands for rural and related purposes. The Project is located on land zoned RU2 Rural Landscape.

The rural planning principles contained within SEPP (Rural Lands) encourage the protection and promotion of opportunities for productive and sustainable economic activities in rural areas. The SEPP (Rural Lands) also identifies that in planning for rural lands, the social, economic and environmental interests of the community are to be balanced.

The rezoning will result in the loss of 292ha of land zoned for rural purposes. However, the site has an approval for an ANE and supporting biodiversity offsets. While the existing character of the site will be maintained, its application for rural use is very limited.

Section 117 Directions

An assessment has been undertaken to determine the level of consistency the proposal has with the relevant Ministerial Directions. No issues have been identified that would prevent the Planning Proposal being submitted to the 'Gateway' process for determination. Details of Ministerial Directions are contained within the Planning Proposal as Enclosure 1.

Planning and Environment

Report No. PE152/2014

Planning and Environment



Direction 1.2 - Rural Zones

The objective of this Direction is to protect the agricultural production value of rural land. As the rezoning will affect land within the 1(a) Rural (A) (LEP 1989) and RU2 - Rural Landscape (LEP 2011) zone, the Ministerial Direction is triggered. The Direction outlines that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.

While it is required that Direction 1.2 is considered because the site is currently zoned for rural purposes, the planning proposal will rezone the site from a rural zone to SP1 - Special Activities and E2 - Environmental Conservation. The proposed zones do not fall into the categories above, as such, Ministerial Direction 1.2 - Rural Zones does not apply to this planning proposal.

Direction 1.5 - Rural Lands

The objectives of this Direction are to protect the agricultural production value of rural land and to facilitate the orderly and economic development of rural lands for rural and related purposes. The Direction applies to all planning proposals to which SEPP (Rural Lands) 2008 applies. The Direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural or environmental protection zone, or where a planning proposal changes the existing minimum lot size on land with a rural or environmental protection zone.

Where this Direction applies the relevant planning authority must ensure that the planning policy is consistent with the Rural Planning Principles listed in SEPP (Rural Lands) 2008. If a planning proposal is not consistent with these principles, they must be suitably justified.

The Planning Proposal inconsistency with the Rural Planning Principles listed in the SEPP, are justified for the following reasons:-

- The (then) Department of Planning approved an ANE and supporting biodiversity offsets in July 2010 and provides a balanced outcome for social, economic and environmental interests.
- The rezoning will result in the loss of 292ha of rural land not identified as regionally significant agricultural land, representing 116ha to be rezoned of SP1 - Special Activities and 176ha to be rezoned E2 - Environmental Conservation.

As it is not proposed to clear land or carry over the additional permitted land use to the land to be zoned E2 - Environmental Conservation, the existing character of the majority of the site will be maintained. For these reasons, it is considered the planning proposal is justified despite the inconsistency with Ministerial Direction 1.5 - Rural Lands.

Direction 2.1 - Environmental Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas. A planning proposal must include provisions that facilitate the protection and conservation of such areas.

The land excluding the proposed SP1 - Special Activities Zone is to be rezoned to E2 - Environmental Conservation representing 176ha, including the 31.7ha of on site biodiversity offset provided by the 2010 ANE approval. However, this is not in-lieu of establishing a bio-banking offset arrangement with the Office of Environment and Heritage.

Planning and Environment

Report No. PE152/2014

Planning and Environment



Preliminary advice from the Office of Environment and Heritage confirmed that a biodiversity offset VPA will need to be developed as part of the Planning Proposal, being capable of providing certainty for future land uses whilst also being broad enough to contemplate off-site offsets.

Ongoing discussions with the Office of Environment and Heritage and the proponent will be undertaken to ensure that the development achieves the 'improve or maintain' principle under the Native Vegetation Conservation Act 2003 in respect of future development on site. However, the rezoning is not inconsistent with the objectives of the Lower Hunter Regional Conservation Plan and will provide for a positive environmental outcome on the site. As such, the planning proposal is considered consistent with Direction 2.1.

Direction 3.4 - Integrated Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs subdivision and street layouts achieve the sustainable transport objectives.

The Echidna Drive / George Booth Drive intersection which provides vehicle access to the Orica Site and the adjoining road network in George Booth Drive and John Renshaw Drive have adequate road capacity to easily accommodate existing and any future additional traffic from Orica, if the rezoning is approved and any future development occurs.

The new interchange with Hunter Expressway near the George Booth Drive and John Renshaw Drive intersection provides convenient access to the Expressway from the Orica Site. George Booth Drive and John Renshaw Drive are approved B Double routes and provide safe vehicle routes / roads to and from the Orica Site for all vehicles including heavy vehicles.

Council will seek to consult formally with the Roads and Maritime Service (RMS) on these matters should the planning proposal progress.

Direction 4.4 - Planning for Bushfire Protection

A supplementary bushfire assessment report undertaken by Umwelt (Australia) P/L was submitted to Council as part of the review of the Planning Proposal by the proponent.

Further discussions with the Rural Fire Service (RFS) will be undertaken in relation to the bushfire assessment report, and it is anticipated that the response will include comments on the following:

- Level of hazard for each site and the likely extent of bushfire management zones;
- The proposal's consistency with the guidelines contained in "Planning for Bushfire Protection";
- APZs and levels of construction required for future development;
- The demand on existing fire fighting services.

Council will seek to consult formally with the Rural Fire Service on these matters should the planning proposal progress.

IMPLICATIONS

Planning and Environment

Report No. PE152/2014

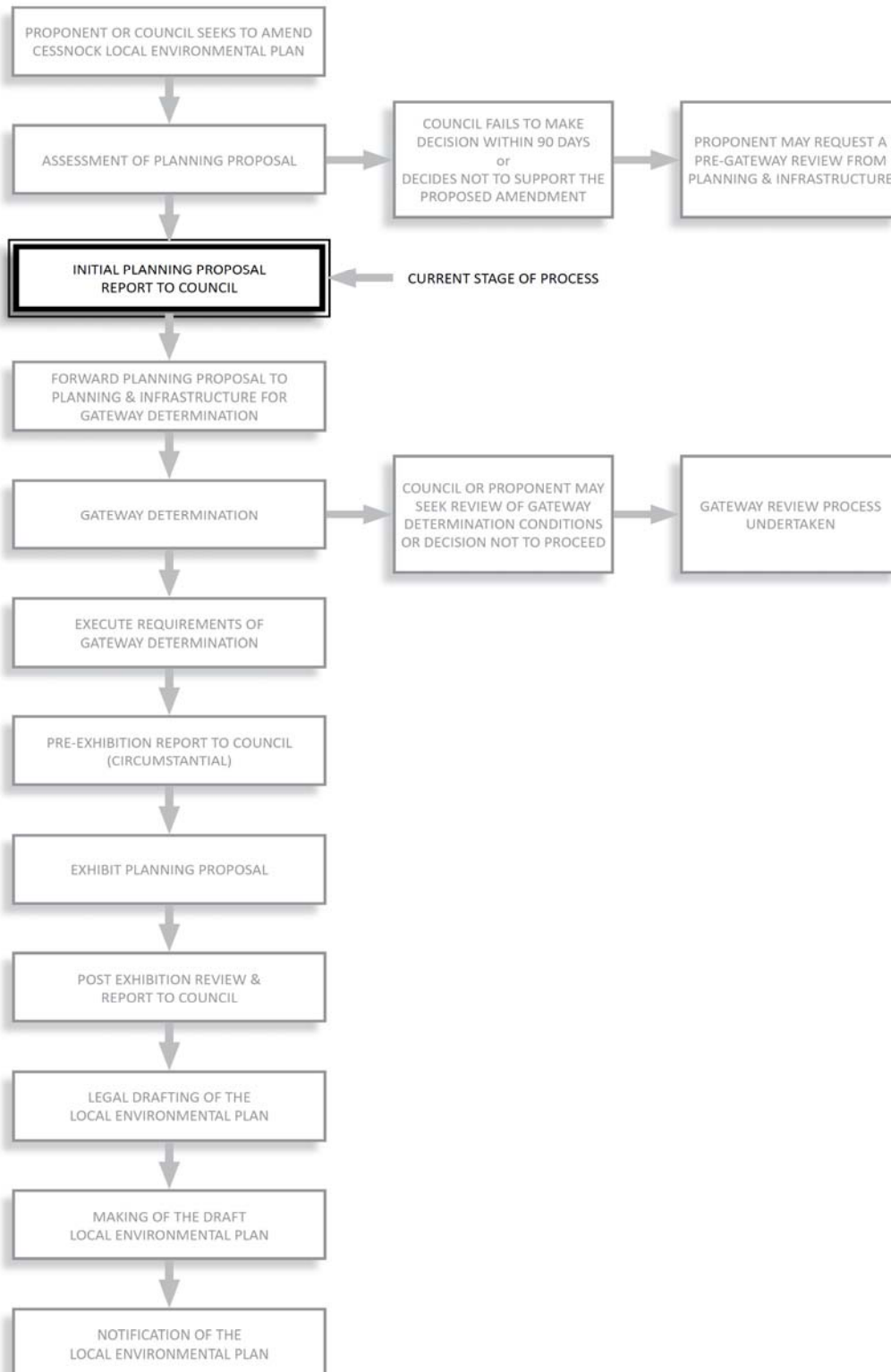
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a. Policy and Procedural Implications

The planning proposal's current status is identified in the following process.

PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



Planning and Environment

Report No. PE152/2014

Planning and Environment



b. Financial Implications

The rezoning of this land would come under Category B in Council's fee structure consisting of Phase 1 - \$4100.00 (payable on application) and Phase 2 - \$8733.00 (payable after the Department of Planning and Infrastructure has agreed to progress the Planning Proposal through the "Gateway"). The Phase 1 fee has been received by Council.

c. Legislative Implications

This report has regard to the provisions of the Environmental Planning & Assessment Act and its Regulations.

d. Risk Implications

It is considered that there are minimal risk implications arising from the recommendation of this Report.

e. Other Implications

Nil.

CONCLUSION

The rezoning of the site is being carried out in retrospect of the approved Orica Ammonium Nitrate Emulsion (ANE) Project and will ensure that the site is zoned appropriately for that use as well as for the protection of those areas set aside for biodiversity offsets.

The site underwent significant environmental assessment as part of the Part 3A project application. It is considered that the rezoning will have minimal further impact on the environmental, social and economic outcomes for the site.

It is recommended that Council commence this amendment to the Cessnock Local Environmental Plan 2011 and request a Gateway determination for the subject Planning Proposal.

ENCLOSURES

- 1** Planning Proposal - Orica (Kurri Kurri)

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Maybury
1174
RESOLVED

That Council forward the Planning Proposal for Orica Kurri Kurri to rezone land from part 1(a) Rural (A) (LEP 1989) and RU2 - Rural Landscape Zone (LEP 2011) to SP1 - Special Activities (Technology Centre and Explosive Research and Production Facility) and E2 - Environmental Conservation to the NSW Department of Planning and Environment for a "Gateway" determination.

FOR	AGAINST
Councillor Gibson	Councillor Ryan
Councillor Doherty	
Councillor Wrightson	
Councillor Olsen	
Councillor Stapleford	
Councillor Hawkins	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Maybury	
Councillor Pynsent	
Total (11)	Total (1)

CARRIED