



PLANNING PROPOSAL

Amendment to the *Cessnock Local Environment Plan 2011*

“Hydro Kurri Kurri”

Hart Road Loxford, Cessnock Road Cliftleigh & Bowditch Avenue Loxford

Version 1.0

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PART 1: OBJECTIVES and OUTCOMES

The objectives of the Planning Proposal are:

1. To rezone certain lands (as described in Appendix 2) consisting of the former Hydro Aluminum Smelter and surrounding buffer in the Loxford area to permit employment and residential development;
2. To rezone land consisting of certain lands of the former Hydro Aluminum Smelter and surrounding buffer in the Loxford area in support of conservation objectives;
3. To manage the interface between the land uses;
4. To minimise the fragmentation of the residual rural land;
5. To maintain and enhance the conservation value within the site; and
6. To respond to the constraints on the site.

PART 2: EXPLANATION of PROVISIONS

The objective of the Planning Proposal will be achieved by amending the Cessnock Local Environmental Plan 2011.

Maps of the existing zoning and the proposed rezoning are included in Part 4 of this Planning Proposal.

The maps proposed to be amended are as follows:

Amendment proposed to Cessnock	Provision
Land Use Zone (LZN) Map	Rezoning that part of the site from RU2 - Rural Landscape and E2 - Environmental Conservation to: - o B1 - Neighbourhood Centre, - o B7 - Business Park, - o E2 - Environmental Conservation, - o IN1 - General Industrial, - o IN3 - Heavy Industrial, - o R2 - Low Density Residential, - o RE1 - Public Recreation; - o RU2 - Rural Landscape, and - o SP2 - Infrastructure.
Lot Size (LSZ) Map	Corresponding changes to the Minimum Lot Size Map to be made: - o 450m² for that area zoned R2 - Low Density Residential, and - o 80ha for that area zoned E2 - Environmental Conservation. There is no minimum lot size applicable to the following zones: - o B1 - Neighbourhood Centre, - o B7 - Business Park, - o IN1 - General Industrial, - o IN3 - Heavy Industrial, - o RE1 - Public Recreation; - o RU2 - Rural Landscape, and - o SP2 - Infrastructure.

Development Control Plan

An amendment to Cessnock DCP (2010) will be prepared by the applicant to Council's requirements to address design, conservation and management measures that will reduce any negative impacts related to the proposed development of the Land.

Local Infrastructure Plan

Supporting studies to the Planning Proposal identify the need to upgrade existing infrastructure to support the proposed development. A section 94 contributions plan and / or development of a Voluntary Planning Agreement for local infrastructure will be required to support the proposed development. The section 94 plan or planning agreement will be prepared in consultation with all relevant public authorities and following the completion of the required supporting studies.

PART 3: JUSTIFICATION

In accordance with the Department of Planning and Environment'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 need for this Planning Proposal is due to the decision to close the Smelter, the opportunities that have arisen due to the closure and the demand for employment and residential land. Hydro has been a long standing economic driver and employer within the community, with the proposed employment land providing long term replacement of job losses that resulted from the closure.

In addition, high demand and low supply of residential land in the Lower Hunter has generated housing affordability issues. Within the Cessnock LGA there has been a limited land release, with the Cliftleigh and Heddon Greta URA only recent to market and the Huntlee and Avery's Village developments only recently commencing construction. The proposed residential land will ease housing pressure and provide increase housing choice within the Cessnock LGA.

As part of the closure decision Hydro commenced a range of strategic planning studies in 2013 to determine land use capability within the site. Key elements in the initial land use assessment were:

- Infrastructure;
- Transport;
- Flooding;
- Industrial Land Supply; and,
- Urban Design.

The initial assessment found that the site was well located within the Lower Hunter, had good connections to key infrastructure and would provide opportunities to facilitate future development. There are areas within the site that are suited to urban purposes, being employment and residential in nature, for conservation purposes and land that shall remain rural.

The proposed zoning of the site is compatible with the aims and objectives of the Cessnock City Wide Settlement Strategy (CCWS). The CCWS indicates opportunities should be provided for additional sites to develop employment lands, with the site being compliant with such direction. With respect to residential land the CCWS states that the timing and release of land will ultimately be dictated by the provision and service delivery of infrastructure, in particular, the ability of HWC to provide a reticulated water and sewer system to the identified urban release areas.

2 *Planning Proposal as best way to achieve to objectives*

The Planning Proposal is the best means of achieving the objectives and intended outcomes of permitting future development on the site. This method is consistent with Council's strategic management of land uses for similar proposals within the Cessnock LGA.

Section B: Relationship to Strategic Planning Framework

3 *Consistency with Objectives and Actions within Regional Strategies*

Lower Hunter Regional Strategy 2006

Residential

The Lower Hunter Regional Strategy identifies Cessnock LGA as a location of substantial residential growth (21,700 dwellings), of which a high proportion (19,700) are projected in new release locations. While the site is not specifically identified in the LHRS, the Planning Proposal will help Council to satisfy its residential obligations for projected new release housing targets as identified in this strategy.

There has and there continues to be an unprecedented level of interest in development in the Cessnock LGA and implementation (and review) of the City Wide Settlement Strategy has been the major priority of the Landuse Planning Team.

In the past ten (10) years, Council has promoted investigations in a range of areas throughout the LGA, most notably through the preparation of structure plans for Huntlee at Branxton, Bellbird North, Cliftleigh and Anvil Creek areas representing approximately 11,800 allotments. However, actual new release allotments yields across all URA are approximately 2,300 lots under that projected in the LHRS. This is due in part to environmental considerations and servicing issues.

The residential aspects of this Planning Proposal provide an opportunity for Council to meet the dwelling supply targets of the LHRS. The site is strategically located between two existing growth areas, being Gillieston Heights in the Maitland LGA and Cliftleigh in the Cessnock LGA. There is also easy arterial road access via the Hunter Expressway and Main Road 195 to other areas of the Lower Hunter, including expanding employment nodes.

Employment

The LHRS notes that the Lower Hunter requires employment land that not only accommodates its own economic growth, but also contributes to meeting the employment land needs of the broader metropolitan region of Sydney. It anticipates that 25% of total new jobs will be located in employment lands, such as those proposed within the site. However, recent supply of industrial land has often been inaccessible to major transport

The Hydro site is strategically located in the region and being located adjacent to the Hunter Expressway, provides for employment land with direct access to key transport infrastructure. The Planning Proposal will provide up to 6,900 jobs at full development. The identification of a diverse range of employment land, including sites that differ in size, range of services and location, is an important aspect in providing the capacity to attract different employment generating businesses.

Appendix 1 of the LHRS contains Sustainability Criteria for proposed development sites outside the designated areas of the Strategy. Table 3.1 contains an assessment of the proposal against the “Sustainability Criteria” of the LHRS, demonstrating that the site is an innovative LEP Amendment proposal that has merit to be considered.

The Planning Proposal is consistent with the objectives and outcomes in the Lower Hunter Regional Strategy (LHRS)

Table 3.1: Comparison of Planning Proposal against LHRS

Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way	The Site is centrally located within the Lower Hunter Region, close to key infrastructure including the Hunter Expressway and Kurri Kurri Wastewater Treatment Works. Further, the South Maitland rail corridor runs to and across the site. Key elements of the Servicing Strategy include: • Water - supply of potable water to the development would be based on a staging that provides security of supply in the short-term and adequate main sizes for the ultimate growth; • Sewer - supply of sewer will be by means of conventional gravity mains draining to a series of Waste Water Pump Stations, each pumping flows to an adjacent catchment and ultimately to the Kurri Kurri Waste Water Treatment Works; • Electricity - electricity will be delivered to the development through underground cable located in common shared trenching through the road reserves. Underground cabling will extend the Ausgrid feeder network at higher voltages to a series of above-ground kiosk substations that 'distribute' the electricity in the low-voltage network; • Gas - connection to the gas network will be available and determined on a staging basis, with an assessment of the connection methods determined by Jemena Gas Networks once the first application is made; and, • Communications - communications connections will be available and determined by the National Broadband Network (NBN Co) once the first application is made. Transport infrastructure - Findings of the Traffic and Transport Study acknowledge access on Hart Road via Loxford interchange with Hunter Expressway will enable the provision of efficient freight movements to and from the site with the future provision of two west facing ramps at Loxford interchange providing direct connection to the west including Upper Hunter and beyond. The Masterplan concept proposes 603 dwellings at the Northern precinct, 1182 dwellings at the Central precinct and 303 dwellings at the Southern precinct. Traffic from both Northern and Central residential precincts are likely to use new access proposed on the Cessnock Road and connect to the existing Cliftleigh development.
Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided	Findings of the Traffic and Transport Study acknowledge: • A pedestrian network will be installed to provide for movements of pedestrians throughout the development area. The local roads within the development will be designed to provide safe walking and bicycle routes that link with other existing services and facilities in the vicinity of the site.

	• Regular bus services, particularly at peak hours, and safe and convenient bicycle and pedestrian links to nearby residential areas. The proposed rezoning has been carefully planned to recognise and complement the existing and planned urban communities of Cliftleigh and Heddon Greta, as well as the topography of the Site. The layout responds to the existing communities by extending existing or planned road networks so that residents of the new community can access established transport patterns and connections to the wider region. In particular, the Residential Central community would link into Cliftleigh via William Tester Drive and Residential Southern community would link into Loxford and Heddon Greta via McLeod Avenue. Access to and from the industrial and business park precincts is via Harts Road. In finalising the subdivision layout, the internal road layout would be designed to accommodate bus services through the site which would link the new community and employment areas to adjacent residential and commercial areas such as Kurri Kurri, Cessnock and Maitland.
Housing Diversity Provide a range of housing choices to ensure a broad population can be housed	The Planning Proposal will have a positive impact on housing choice and affordability. Changes to household structure over the next 15 years will see a substantial shift in dwelling composition with the most substantial areas of growth being couples without children (24.5% increase) and lone person households (48.1% increase). These increases will result in many downsizer moves from traditional dwellings to smaller, more compact and cost effective housing products.
Employment Lands Provide regional/local employment opportunities to support the Lower Hunter's expanding role in the wider regional and NSW economies	The Industrial Land Supply Analysis found: Locally the Cessnock LGA employment base is largely underpinned by industrial sectors, with accommodation and food services also higher than the regional profile, in part servicing mining sector workers. This contrasts the wider Lower Hunter Region which has a significantly higher proportion of Professionals (19.7%) compared to Cessnock (11.3%). The place of residence of local workers illustrates a moderate to high job containment rate for a regional location in Cessnock, with 64.8% of workers living within the Cessnock LGA, with the industrial sectors located in Cessnock drawing from a local workforce. In addition to this, 11.6% of workers reside nearby in Maitland, which while sitting outside the LGA border illustrates that there is a high propensity for Cessnock workers to live close to where they work. This has ramifications for potential uses on the subject site for accessing a workforce, which will likely draw on a local workforce. This may influence certain uses that rely on workers with higher education or typical 'white collar'

	backgrounds. The prevalence of local blue collar workers would support the presence of industrial sector businesses rather than higher order white collar based employment. Lower Hunter LGAs such as Maitland and Newcastle have more 'diverse' economies and industry bases, and offer greater employment opportunity for broader range of workers not associated with mining. There will be a number of economic benefits associated with the Site's redevelopment, including: • Ongoing jobs expansion of approximately 6,900 jobs, with 3,840 blue collar jobs and 3,060 white collar jobs (full-time, part-time and casual direct jobs) • 13,160 direct construction jobs and 20,710 indirect supplier jobs, for a total construction phase employment benefit of 33,870 jobs (full-time, part-time and casual jobs) • Expansion of ongoing jobs will result in an additional \$448.6 million worker income per annum.
Avoidance of Risk Land use conflicts, and risk to human health and life, avoided	The Site is largely isolated due to the previous use as an Aluminium Smelter and required buffer areas. As a result there is reduced potential land use conflicts between the site and adjoining land uses. Hydro has undertaken an assessment of potential impacts associated with noise, contamination and visual to ensure that no adverse impacts may result from the proposed rezoning of land within the site.
Natural Resources Natural resource limits not exceeded/environmental footprint minimised	The land owner has commenced the approval pathway, with the support of Council, to gain Biocertification of the Site pursuant to Biodiversity Certification Assessment Methodology (BCAM) (DECCW 2011). The BCAM was developed by the NSW Office of Environment and Heritage (OEH) and was gazetted by the NSW government in February 2011. The methodology may be applied to land for which biocertification is sought, and conferred by the Minister for the Environment if the conservation measures proposed in the biocertification application result in an overall improvement or maintenance in biodiversity values, according to the rules established. This is referred to under the methodology as satisfying the 'improve or maintain test'. The ecological values are also to be assessed in accordance with the gazetted methodology (BCAM).
7. Environmental Protection Protect and enhance biodiversity, air quality, heritage and waterway health	Biocertification of the site will ensure the protection and enhancement of biodiversity within the site. Studies have been undertaken regarding Aboriginal and European Heritage, flooding & stormwater management and acoustic impacts. It is considered that there will be significant environmental protection as a result of the rezoning application.
8. Quality and Equity in Services Quality health,	One of the main objectives of the rezoning is to contribute towards the development of new housing within the Lower

education, legal, recreational, cultural and community development and other Government services are accessible	Hunter region. The adopted subdivision layout is based on sound social and environmental sustainability principles, extending the reach of existing residential communities rather than creating new isolated communities with new demands for social infrastructure. The design and provision of open space takes advantage of the Site's topography, orientation and rural setting. The Planning Proposal shows three new residential communities, each designed in a broadly regular grid of local streets, neighbourhoods, parks and areas of open space. The Healthy Urban Design Checklist principles aim for a residential community to have reasonable access to a mix of facilities such as local shopping, health, education, leisure and recreational spaces. Social infrastructure is also ideally centrally located, easily accessible and linked into public transport routes. The proposed neighbourhood centre will provide residents with access to daily shopping and opportunities for social interaction, and will provide space where local services such as a medical centre and child care could be established by private operators. Parks, walkways and playing fields encourage social and recreational activities and make it attractive for future residents to adopt healthy patterns of living, which together meet many of the objectives of the Healthy Urban Development Checklist. Opportunities for residents to engage in sports and recreational activities, interact with nature or enjoy quiet contemplation contribute towards community and individual health outcomes. The proposed rezoning will encourage active transport options such as walking and cycling along local paths and roads, links to the neighbourhood centre and safe and easy access to other nearby pedestrian and cyclist routes (such as in Cliftleigh) and parks, where social interaction and recreational activities can take place. The inclusion of employment lands in the proposal will support the long term social sustainability of the new community and contribute to the economic well-being of the local workforce by providing employment opportunities for a range of age groups and experience levels. Through preserving almost 944.7ha of Environmental land under under E2 zoning and another 132.5ha of Rural Landscape (RU2) zoning, the great majority of the overall site would change little from its existing character and would enable ongoing conservation or environmental uses.
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4 *Consistency with Council's Community Strategic Plan or other Local Strategic Plan*

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

The recommendations of this report are consistent with the following objectives of the Cessnock Community Strategic Plan – Cessnock 2023.

A sustainable and prosperous economy

Objective 2.1 – Diversifying local business options; and

Objective 2.2 – Achieving more sustainable employment opportunities.

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

A sustainable and healthy environment

Objective 3.1 – Protecting and enhancing the natural environment and rural character of the area.

Accessible infrastructure, services and facilities

Objective 4.1 – Better transport links; and

Objective 4.2 – Improving the road network.

City Wide Settlement Strategy (2010)

The City Wide Settlement Strategy (CWSS) sets out strategic directions to inform the preparation of the new LEP and implements a number of the outcomes and actions from the Lower Hunter Regional Strategy. However, at the time of CWSS adoption by Council on 15 September 2010, the Hydro Aluminium Smelter was still operational. The decision to close and decommission the smelter was not foreshadowed by Hydro at that time and as such was not considered within the CWSS.

Hydro Aluminium Smelter has been a long standing economic driver and employer within the community, and the proposed employment lands of the Planning Proposal in particular provide long term replacement of job losses that resulted from the closure.

On 6 June 2012, Council supported a Mayor Minute to work closely with the NSW State Government to bring new industry to the City of Cessnock for future employment opportunities for the LGA is reflected in the opportunities presented by this Planning Proposal.

The Planning Proposal does not undermine the CWSS or prejudice any other identified future urban land and promotes development opportunities based on the settlement principles contained in the CWSS.

5 **Consistency with State Environmental Planning Policies**

An assessment of relevant SEPPs against the planning proposal is provided in the table below.

Table 4.1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 14 – Coastal Wetlands	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
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 19 – Bushland in Urban Areas	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
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 26 – Littoral Rainforests	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 29 – Western Sydney Recreation Area	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
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.	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 39 – Spit Island Bird Habitat	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
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	The Planning Proposal seeks to retain the vast majority of potential habitat within the site. A threatened species assessment has been undertaken and the impact upon potential habitat has been identified.

SEPP	Relevance	Consistency and Implications
	populations will be maintained over their present range.	Despite the presence of koala habitat, there is no known recording of presence within the site. Additional investigations were conducted to determine if there was evidence of a koala population, but no 'Core Koala Habitat' was found. The Planning Proposal is consistent with SEPP 44 - Koala Habitat Protection
SEPP 47 – Moore Park Showground	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 50 - Canal Estate Development	The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 52 – Farm Dams and Other works in Land and Water Management Plan Areas	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
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	A Contamination and Geotechnical Assessment undertaken by Douglas Partners concluded while some localised contamination exists, the land is suitable, or can be made suitable, for the proposed land uses. It is recommended that localised subsurface investigations including sampling and chemical testing be undertaken in specific locations to identify any remediation that may be required prior to site development consistent with NSW EPA Guidelines.
SEPP 59 – Central Western Sydney Regional Open Space and Residential	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 62 - Sustainable Aquaculture	The SEPP relates to development for aquaculture and to development arising from the rezoning of land and is of relevance for site specific rezoning proposals.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.

SEPP	Relevance	Consistency and Implications
SEPP 64 - Advertising and Signage	The SEPP 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 70 – Affordable Rental Housing (Revised Schemes)	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 71 – Coastal Protection	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Affordable Rental Housing 2009	The aims of this Policy are as follows: (a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, (c) to facilitate the retention and mitigate the loss of existing affordable rental housing, (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing, (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing, (f) to support local business centres by providing affordable rental housing for	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.

SEPP	Relevance	Consistency and Implications
	workers close to places of work, (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.	
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 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 development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP. The Planning Proposal does not include any specific provisions relating to Exempt and Complying development.
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 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 proposed development will be connected to the existing reticulated water and sewer supply. Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Kurnell Peninsula) 1989	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
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	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.

SEPP	Relevance	Consistency and Implications
	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.	
SEPP Mining, Petroleum Production and Extractive Industries 2007	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	The Planning Proposal does not cover any area known to have existing resources Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Miscellaneous Consent Provisions 2007	The aims of this Policy are as follows: (a) to provide that the erection of temporary structures is permissible with consent across the State, (b) to ensure that suitable provision is made for ensuring the safety of persons using temporary structures, (c) to encourage the protection of the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration, (d) to provide that development comprising the subdivision of land, the erection of a building or the demolition of a building, to the extent to which it does not already require development consent under another environmental planning instrument, cannot be carried out except with development consent.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Penrith Lakes Scheme 1989	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
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 Planning Proposal proposes to rezone rural land to conservation and urban land. A site assessment has identified that there is no regionally significant agricultural land comprised in the site, and only a small part of the Hydro Land could

SEPP	Relevance	Consistency and Implications
		be considered as suitable for agriculture. Approximately 132.5ha will be maintained as rural land. This land is classified 3, 4, and 5 by the former NSW Department of Agriculture, now the NSW Department of Primary Industries - Agriculture. Under these classifications the land is suitable for “cropping but not continuous cultivation” (3), “grazing but not cultivation” (4) or “not suitable for agriculture or only light grazing” (5), respectively. This area includes the grazing land and poultry sheds that have historically been located within the Hydro Land as part of the ‘Wangara’ landholding and while not significant agricultural land; will provide scenic amenity value as identified within the Lower Hunter Regional Strategy and City Wide Settlement Strategy.
SEPP 53 Transitional Provisions 2011	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
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.
SEPP (Sydney Drinking Water Catchment 2011)	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Sydney Region Growth Centres 2006	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Three Ports 2013)	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Urban Renewal) 2010	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Western Sydney Employment Area) 2009	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Western Sydney Parklands) 2009	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>

6 ***Consistency with s.117 Ministerial Directions for Local Plan Making***

An assessment of relevant s.117 Directions against the planning proposal is provided in the table below.

Table 4.2: Relevant s.117 Ministerial Directions

Ministerial Direction	Objective of Direction	Consistency and Implication
1 EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	The Planning Proposal does not affect existing business or industrial zone. It does increase the population catchment of the Kurri Kurri town centre and will increase the viability of the neighbourhood retail. The Planning Proposal is consistent with the objectives of this Direction, as it provides for new industrial-zoned areas; complies with the objectives of the Direction; and is located in an area previously used for industrial purposes as identified within Council's CWSS. The Planning Proposal will support the regional centre of Cessnock and town centre of Kurri Kurri with economic growth from employment and housing. The provision of a small neighbourhood centre, for convenience goods and local services, will not undermine the overall centre hierarchy within the Strategy
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	The Planning Proposal seeks to rezone land from a rural zone to conservation, employment and residential zones. The site is not identified as having high agricultural production value. The land is classified 3, 4, and 5 by the former NSW Department of Agriculture, now the NSW Department of Primary Industries - Agriculture. Under these classifications the

Ministerial Direction	Objective of Direction	Consistency and Implication
		land is suitable for “cropping but not continuous cultivation” (3), “grazing but not cultivation” (4) or “not suitable for agriculture or only light grazing” (5), respectively. Inconsistency with the terms of this direction is viewed to be of minor significance. The Planning Proposal seeks confirmation from the Director-General (or delegate) that inconsistency with this direction is justified and of minor significance.
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.	The residential and employment zonings would have the effect of prohibiting the mining of coal and other minerals, production of petroleum and winning/obtaining of extractive materials from the site. The Planning Proposal does not cover any area known to have existing resources. It is recommended that this Planning Proposal be referred to NSW Trade and Investment – Department of Primary Industries (DPI) as part of the authority consultation process. Pursuant to the requirements of the direction, a period of 40 days is to be provided for the DPI to respond.
1.4 Oyster Aquaculture	<i>The objectives of this direction are:</i> <i>(a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal,</i> <i>(b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</i>	<i>Not Applicable to LGA</i>

Ministerial Direction	Objective of Direction	Consistency and Implication
1.5 Rural lands	The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes.	The Planning Proposal affects land within an existing rural zone. It also seeks to change the existing minimum lot size for subdivision of the land. The Planning Proposal is considered to be inconsistent with the Rural Planning Principles and Rural Subdivision Principles listed in SEPP (Rural Lands) 2008 in that it intends to rezone rural land. This Planning Proposal seeks confirmation from the Director-General (or delegate) that any inconsistency with this direction is justified and of minor significance for the reasons set out above.
2 ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	The Planning Proposal is considered to be consistent with this direction as environmentally sensitive lands are protected and conserved by way of proposed zoning (E2) and bio certification in the draft LEP. This Planning Proposal does not reduce the environmental protection standards that apply to the land. The Planning Proposal contains provisions that facilitate the protection and conservation of environmentally sensitive areas. It is intended that 944.7ha of the site will be managed as conservation in perpetuity.
2.2 Coastal Protection	<i>The objective of this direction is to implement the principles in the NSW Coastal Policy.</i>	<i>Not Applicable to LGA</i>
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.	This Planning Proposal is consistent with this Direction as the provisions of the Cessnock LEP and relevant Sections of the National Parks and Wildlife Act 1974 both serve to adequately protect the heritage significance of heritage items/ places.

Ministerial Direction	Objective of Direction	Consistency and Implication
		The Planning Proposal conserves environmental sensitive lands by zoning those lands E2 - Environmental Conservation. An indigenous heritage assessment has been undertaken and raises no objection to rezoning the land to residential, provided further assessment is undertaken at a later stage. The site has no items listed as items of state or local heritage significance. No items were located on the Australian Heritage Places Inventory or the Australian Heritage database.
2.4 Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	This Planning Proposal does not seek to enable land to be developed for the purpose of a recreation vehicle area within the meaning of the Recreation Vehicles Act 1983.
3 HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	The Planning Proposal seeks to rezone part of the site to a residential zone. Through the extension of an existing urban release area in the Cessnock LGA, it is expected that this Planning Proposal will broaden the choice of building types and locations available in the local housing market. This Planning Proposal submitted a range of environmental assessments, including a water servicing strategy and sewer servicing strategy to understand existing capacity and to ensure that the site is able to be serviced. Further a traffic and transport study has assessed potential impacts upon the existing traffic network. This Planning Proposal is considered to be consistent with this direction.

Ministerial Direction	Objective of Direction	Consistency and Implication
3.2 Caravan parks and Manufactured Home Estates	The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	This Planning Proposal is not for the purposes of identifying suitable zones, locations or provisions for caravan parks or manufactured home estates.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	It is proposed that the R2 - Low Density Residential Zone permit home occupations without consent, and home based child care, home businesses and home industries with consent.
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 following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	This Planning Proposal seeks to rezone land for urban purposes, being residential and employment. Concept plans for the subject site demonstrate that it can be developed with a high degree of internal connectivity. The proposal is considered to be consistent with the aims, objectives and principles of improving access to housing, jobs and services by walking, cycling and public transport; and, providing for the efficient movement of freight and this will be included in the proposed DCP for the land. The linear form of the development allows for the efficient servicing of the land by a single bus route. This Planning Proposal is considered to be consistent with this direction.
3.5 Development Near Licensed Aerodromes	The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and	This Planning Proposal does not seek to create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

Ministerial Direction	Objective of Direction	Consistency and Implication
	(c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	
3.6 Shooting Ranges	The objectives are: (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	This Planning Proposal does not seek to create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.
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	This Planning Proposal does not apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Maps held by the NSW Department of Planning and Infrastructure.
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.	The Site is not within a designated mine subsidence district and is not identified as being unstable.
4.3 Flood Prone Land	The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone	The site includes areas of land that are flood prone. A detailed assessment has been undertaken to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005.

Ministerial Direction	Objective of Direction	Consistency and Implication
	land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	This study indicates the site has flood free road and rail access and that the land can be developed without adversely affecting surrounding properties, and not expose life or property on the subject land to excessive flood risk.
4.4 Planning for Bushfire Protection	The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	This Planning Proposal is considered to be consistent with this direction. Development will be required to meet the requirements of Planning for Bushfire Protection. This Planning Proposal seeks to consult with the NSW Rural Fire Service subsequent to gateway determination being issued and prior to undertaking community consultation. The Site is considered to be capable of providing for development that complies with Planning for Bushfire Protection 2006.
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.	While the site is not specifically identified in the LHRS, the Planning Proposal will help Council to satisfy its residential obligations for projected new release housing targets as identified in this strategy. In the past ten (10) years, Council has promoted investigations in a range of areas throughout the LGA, most notably through the preparation of structure plans for Huntlee at Branxton, Bellbird North, Cliftleigh and Anvil Creek areas representing approximately 11,800 allotments. However, actual new release allotments yields across all URA are approximately 2,300 lots under that projected in the LHRS. This is due in part to environmental considerations and servicing issues.

Ministerial Direction	Objective of Direction	Consistency and Implication
		The residential aspects of this Planning Proposal provide an opportunity for Council to meet the dwelling supply targets of the LHRS. The site is strategically located between two existing growth areas, being Gillieston Heights in the Maitland LGA and Clifftleigh in the Cessnock LGA. There is also easy arterial road access via the Hunter Expressway and Main Road 195 to other areas of the Lower Hunter, including expanding employment nodes. Appendix 1 of the LHRS contains Sustainability Criteria for proposed development sites outside the designated areas of the Strategy. Table 3.1 in the attached Planning Proposal contains an assessment of the proposal against the “Sustainability Criteria” of the LHRS, demonstrating that the site is an innovative Planning Proposal that has merit to be considered. The Planning Proposal is consistent with the objectives and outcomes in the Lower Hunter Regional Strategy.
5.2 Sydney Drinking Water Catchment	<i>The objective of this Direction is to protect water quality in the Sydney drinking water catchment.</i>	Not Applicable to LGA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<i>The objectives of this direction are:</i> <i>(a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre,</i> <i>(b) to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and</i> <i>(c) to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.</i>	Not Applicable to LGA

Ministerial Direction	Objective of Direction	Consistency and Implication
5.4 <i>Commercial and Retail Development along the Pacific Highway, North Coast</i>	<i>The objectives for managing commercial and retail development along the Pacific Highway are:</i> <i>(a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route;</i> <i>(b) to prevent inappropriate development fronting the highway</i> <i>(c) to protect public expenditure invested in the Pacific Highway,</i> <i>(d) to protect and improve highway safety and highway efficiency,</i> <i>(e) to provide for the food, vehicle service and rest needs of travellers on the highway, and</i> <i>(f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</i>	Not Applicable to LGA
5.5 <i>Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i>	(Revoked 18 June 2010)	No longer Applicable
5.6 <i>Sydney to Canberra Corridor</i>	(Revoked 10 July 2008. See amended Direction 5.1)	Not Applicable to LGA
5.7 <i>Central Coast</i>	(Revoked 10 July 2008. See amended Direction 5.1)	Not Applicable to LGA
5.8 <i>Second Sydney Airport: Badgerys Creek</i>	<i>The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</i>	Not Applicable to LGA
5.9 <i>North West Rail Link Corridor Strategy</i>	<i>The objectives of this direction are to:</i> <i>(a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL)</i> <i>(b) ensure development within the NWRL corridor is consistent with the proposals</i>	Not Applicable to LGA

Ministerial Direction	Objective of Direction	Consistency and Implication
	<i>set out in the NWRL Corridor Strategy and precinct Structure Plans.</i>	
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.	This Planning Proposal is considered to be consistent with this direction. This Planning Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a minister or public authority and does not identify development as designated development.
6.2 Reserving Land for Public Purposes	The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	This Planning Proposal is considered to be consistent with this direction. It does not seek to create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	This Planning Proposal is considered to be consistent with this direction. The proposal does not intend to amend the Cessnock LEP in order to allow a particular development proposal to be carried out. The Planning Proposal does not refer to drawings for any such development.
7 Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	<i>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i>	<i>Not Applicable to LGA</i>

Section C: Environmental, Social and Economic Impact

7 *Impact on Threatened Species*

The Site contains areas of native vegetation, disturbed native vegetation, wetlands and modified grazing land. Previously the vegetation within the site was managed as buffer land to the operational smelter, with management activities including weed eradication, pest control and livestock agistment.

The Planning Proposal shall create one of the largest and most unique biobank sites within the Hunter Region. The Lower Hunter Regional Strategy supports Biocertification of LEP amendments where adequate arrangements have been made to ensure biodiversity values will be maintained or improved.

A detailed biodiversity assessment has been completed, and the Biocertification process has been commenced. Council has nominated this pathway to the NSW Office of Environment and Heritage as the preferred method for resolving any biodiversity impacts at the rezoning stage. The Biocertification process shall run concurrently with the Planning Proposal.

The objective of the Biocertification process is to secure biodiversity conservation measures within a significant area of the site that will offset the potential impacts of the Planning Proposal on biodiversity values.

8 *Environmental Impact*

The Planning Proposal has assessed a range of environmental constraints to determine appropriate future land uses, with these reports forming part of the rezoning application. Beyond the impact upon existing vegetation, the development footprint has been identified based upon:

- Aboriginal Cultural Heritage Assessment;
- Flooding and Stormwater Impact Assessment;
- Geotechnical Assessment;
- Heritage Impact Assessment;
- Noise and Vibration Impact Assessment; and,
- Traffic and Transport Study.

As a result of the 1,442ha of the site the subject of this Planning Proposal 343.49ha is considered suitable for urban development comprising 127.7ha for residential purposes to provide for subdivision into 1,485 residential allotments (1,182 dwellings in the Central precinct and 303 dwellings in the Southern precinct) and 215.79ha for industrial/business land uses.

A comparison of area to be rezoned is included below.

Existing Zone	Area	Proposed Zone	Area
RU2 - Rural Landscape	1,379ha	RU2 - Rural Landscape	132.5ha
E2 - Environmental Conservation	63ha	B1 - Neighbourhood Centre	0.5ha
		B7 - Business Park	38.18 ha
		E2 - Environmental Conservation	944.7ha

		IN1 - General Industrial	87.23 ha
		IN3 - Heavy Industry	89.88 ha
		R2 - Low Density Residential	127.7 ha
		RE1 - Public Recreation	10.42ha
		SP2 - Infrastructure	19.9ha

The environmental issues and mitigation measures associated with the detailed design and construction of the future employment land and residential subdivisions will be addressed in the supporting Development Control Plan.

9 ***Social and Economic Impacts***

The Planning Proposal has considered both social and economic impacts that may result from the rezoning, both positive and negative. There will be a number of economic benefits associated with the Site's redevelopment, including:

- Ongoing jobs expansion of approximately 6,900 jobs, with 3,840 blue collar jobs and 3,060 white collar jobs (full-time, part-time and casual direct jobs)
- 13,160 direct construction jobs and 20,710 indirect supplier jobs, for a total construction phase employment benefit of 33,870 jobs (full-time, part-time and casual jobs)
- Expansion of ongoing jobs will result in an additional \$448.6 million worker income per annum
- The expansion in population from the delivery of new housing and subsequent population growth is expected to expand local retail spend by \$58.4 million at full development
- Publicly available conservation areas can provide significant benefits to local areas.

Hydro has considered the social impact upon the community that may result from the proposed rezoning of the Site. It is considered that there is a positive net community benefit as a result of the Planning Proposal.

Identified benefits of the proposal for the local community include:

- Enabling the provision of new housing stock in a range of sizes, styles and price points, which will directly contribute to the NSW Government target for new housing, as well as State Government and Council policies for new housing
- A subdivision layout that extends, consolidates and links into, existing communities rather than creating new, stand-alone, isolated residential areas
- Provision of new community infrastructure and open space which will support an active community and encourage healthy lifestyles
- The potential for much needed local employment opportunities and economic growth through the inclusion of areas zoned as Business Park, General Industry and Heavy Industry, and through the subsequent construction of the proposed developments
- Planning will support a community with a unique sense of place
- Permeability and access within the Site layout and between these new communities and surrounding areas
- A Site layout that will be accessible to people of all ages and abilities and a range of income groups
- Road layout that will be accessible for buses
- Design principles that support creation of a socially sustainable community

It is considered that the Planning Proposal has adequately addressed any social and economic impacts of the rezoning.

The increased availability of land for housing and land for employment will produce a stimulus to the residential construction sector and related suppliers.

Section D: State and Commonwealth Interests

10 Adequate Public Infrastructure

The location of the proposed urban areas has been based upon site capability, including the provision of infrastructure. Key infrastructure components, including the Hunter Expressway and Kurri Kurri Waste Water Treatment Works, have highlighted the potential of the Site to accommodate urban development. As part of the Site assessment Hydro has prepared a Servicing Strategy that outlines connection of utilities for the full development Site. Key elements of the proposed strategy are that:

- Water - supply of potable water to the development would be based on a staging that provides security of supply in the short-term and adequate main sizes for the ultimate growth;
- Sewer - supply of sewer will be by means of conventional gravity mains draining to a series of Waste Water Pump Stations, each pumping flows to an adjacent catchment and ultimately to the Kurri Kurri Waste Water Treatment Works;
- Electricity - electricity will be delivered to the development through underground cable located in common shared trenching through the road reserves. Underground cabling will extend the Ausgrid feeder network at higher voltages to a series of above-ground kiosk substations that 'distribute' the electricity in the low-voltage network;
- Gas - connection to the gas network will be available and determined on a staging basis, with an assessment of the connection methods determined by Jemena Gas Networks once the first application is made; and,
- Communications - communications connections will be available and determined by the National Broadband Network (NBN Co) once the first application is made.

It is concluded that the Site is adequately serviced by existing infrastructure, with a Detailed Servicing Strategy provided as part of the rezoning application. Future development may require augmentation of existing services and this will be subject of agreement between the developer and service provider.

It is expected that the Planning Proposal will be referred to the relevant infrastructure authorities for comment.

Traffic generation

A Traffic and Transport Study has been prepared as part of the rezoning application. The study has considered the capacity of the existing network and identified any augmentation that may be required to accommodate increases in transport demands.

The Planning Proposal does not propose any specific upgrades or road works. As development applications come forward in the future, the impacts of employment and residential uses will generate vehicle movement that may necessitate improvements. The required upgrades or road works would be conditioned and completed as part of the staged development of land.

It is expected that the Planning Proposal will be referred to Roads and Maritime Services (RMS) for comment.

11 *Consultation with State and Commonwealth Authorities*

Consultation with State and Commonwealth public authorities will be determined as part of the Gateway determination. Council recommends consultation with the following authorities:

- Office of Environment and Heritage (OEH) for biodiversity considerations;
- Hunter Water Corporation (HWC) for water and sewer connection services;
- Roads and Maritime Services (RMS) as the proposal seeks to provide access onto a classified road (Hunter Expressway and Cessnock Road);
- Rural Fire Service (RFS) in relation to the bushfire assessment; and
- NSW Trade and Investment – Department of Primary Industries (DPI) as the proposal would have the effect of prohibiting the mining of coal and other minerals, production of petroleum and winning/obtaining of extractive materials from the site.

PART 4: MAPPING

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

Land Zoning Map

Amendment Applies to	Provision
1720_COM_LZN_008_080_20140711 1720_COM_LZN_009A_040_20141212	Rezoning that part of the site from RU2 - Rural Landscape and E2 - Environmental Conservation to: - o B1 - Neighbourhood Centre, - o B7 - Business Park, - o E2 - Environmental Conservation, - o IN1 - General Industrial, - o IN3 - Heavy Industrial, - o R2 - Low Density Residential, - o RE1 - Public Recreation; - o RU2 - Rural Landscape, and - o SP2 - Infrastructure.

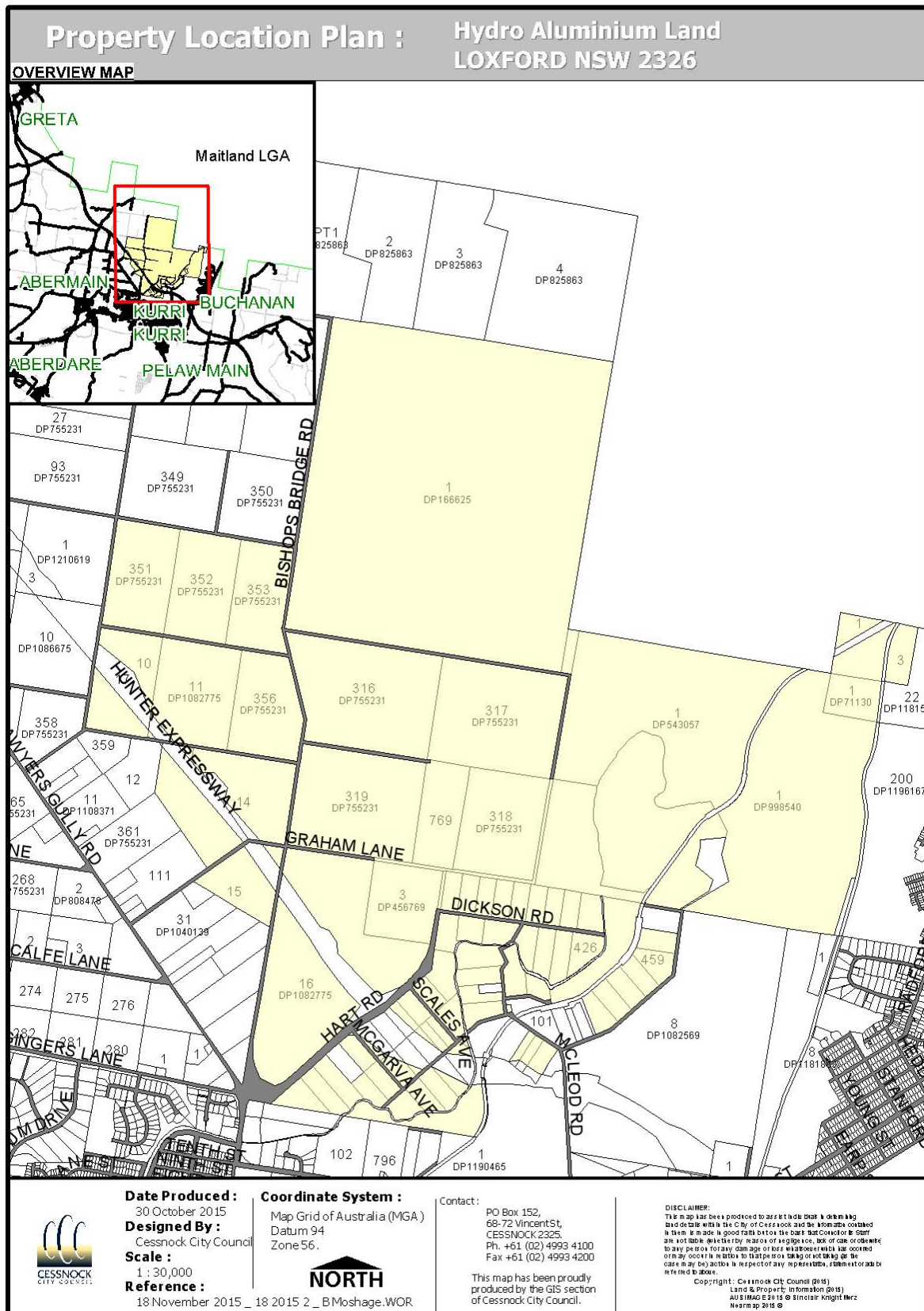
Minimum Lot Size Map

Amendment Applies to	Provision
1720_COM_LSZ_008_080_20140911 1720_COM_LSZ_009A_040_20141212	Replace the 40ha minimum lot size with 450m² for that area zoned R2 - Low Density Residential, and Replace the 40ha minimum lot size with 80ha for that area zoned E2 - Environmental Conservation. There is no minimum lot size applicable to the following zones: - o B1 - Neighbourhood Centre, - o B7 - Business Park, - o IN1 - General Industrial, - o IN3 - Heavy Industrial, - o RE1 - Public Recreation; - o RU2 - Rural Landscape, and - o SP2 - Infrastructure. Remove the 40ha minimum lot size for these areas.

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

An indicative zoning and minimum lot size map are shown as Map 4 and Map 6 respectively.

Map 1: Location Map



Aerial Location Plan : Hydro Aluminium Land LOXFORD NSW 2326

OVERVIEW MAP

Date Produced: 30 October 2015
Designed By: Cessnock City Council
Scale: 1 : 30,000
Reference: 18 November 2015 _ 18 2015 2 _ B Moshage, WOR

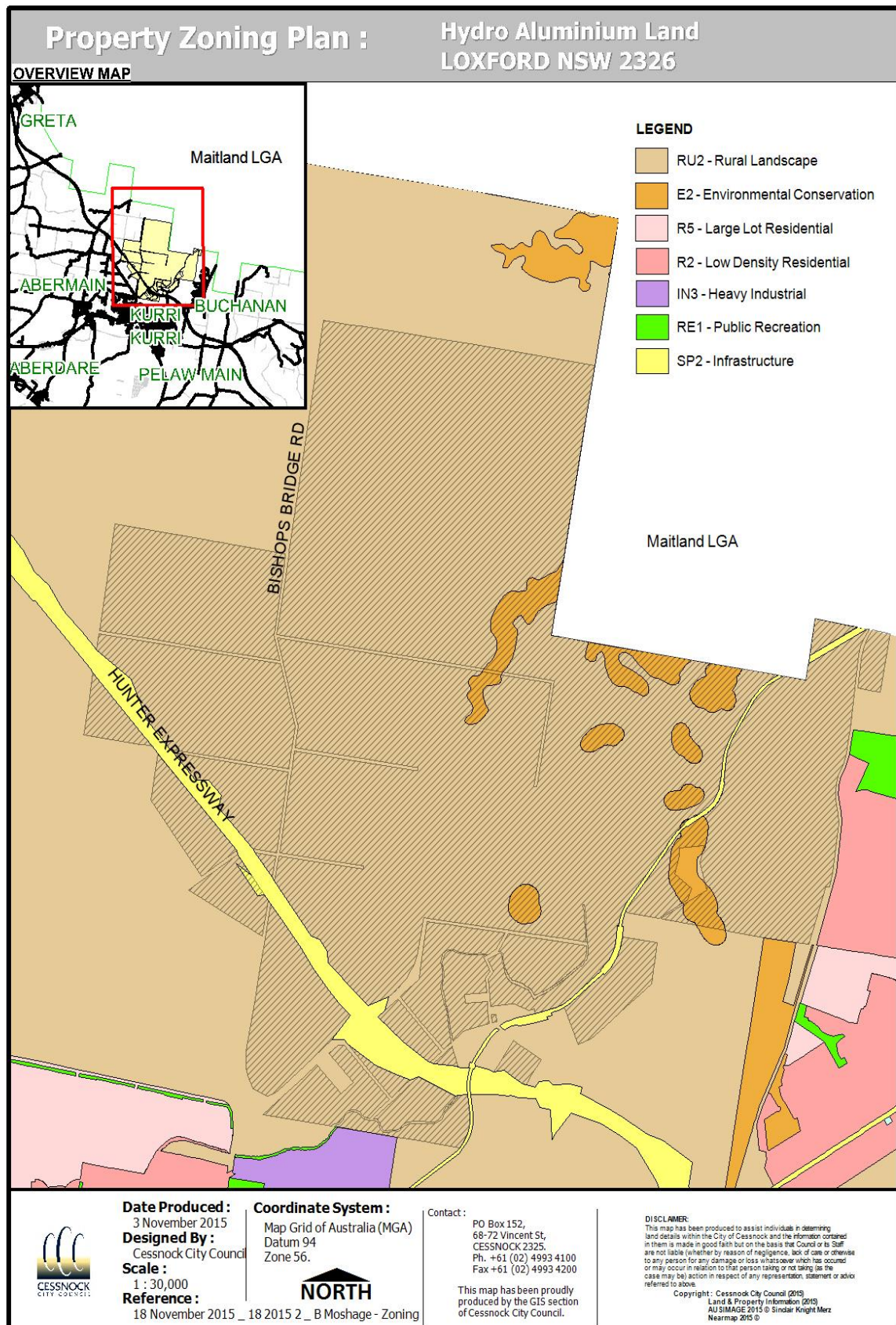
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Imagery:
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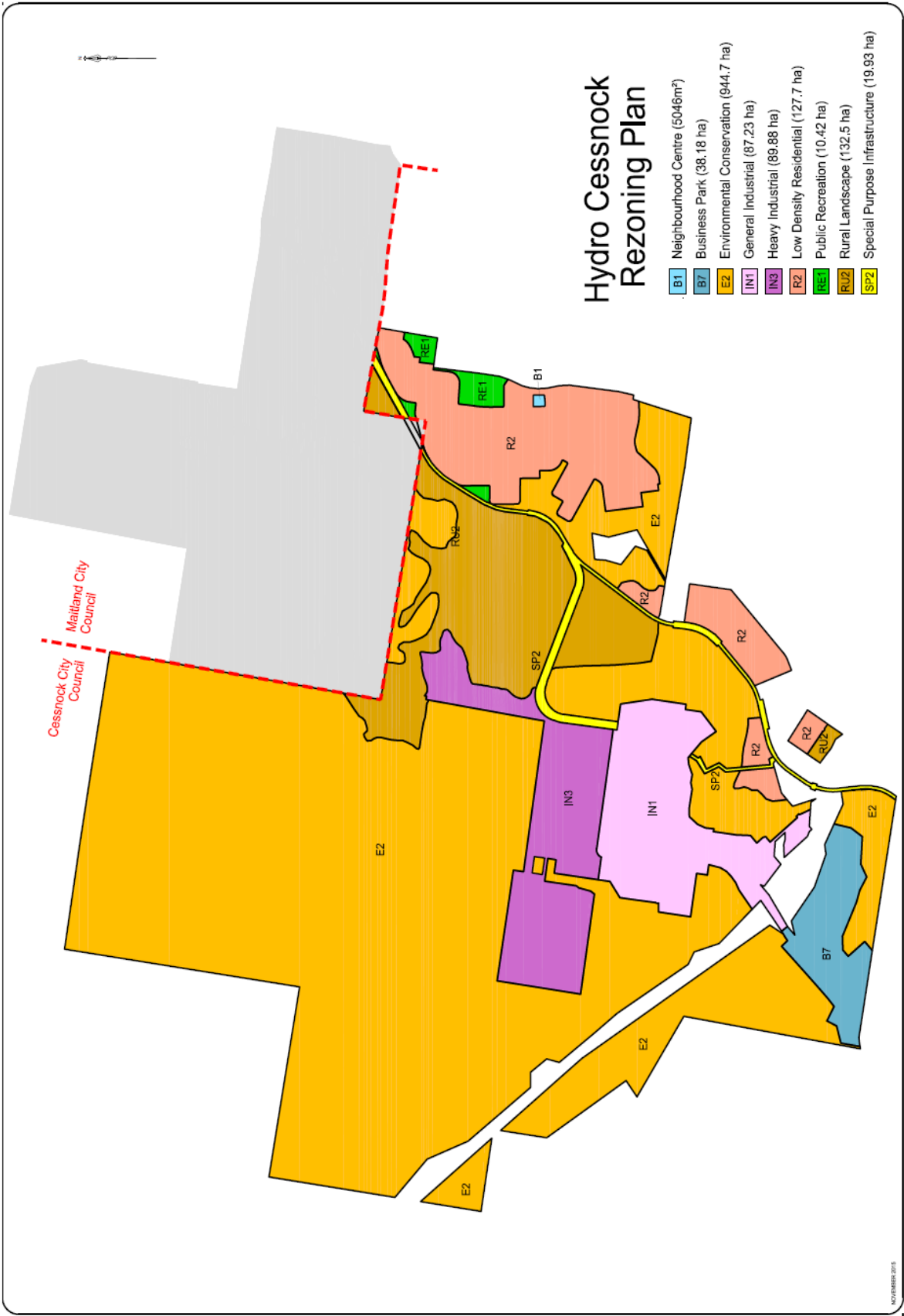
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DISCLAIMER:
 This map has been produced to assist in the planning and design of the project. It is not a guarantee of the accuracy of the information contained herein. The map is made available for reference only and should not be used for any other purpose. The map is not a guarantee of the accuracy of the information contained herein. The map is made available for reference only and should not be used for any other purpose.

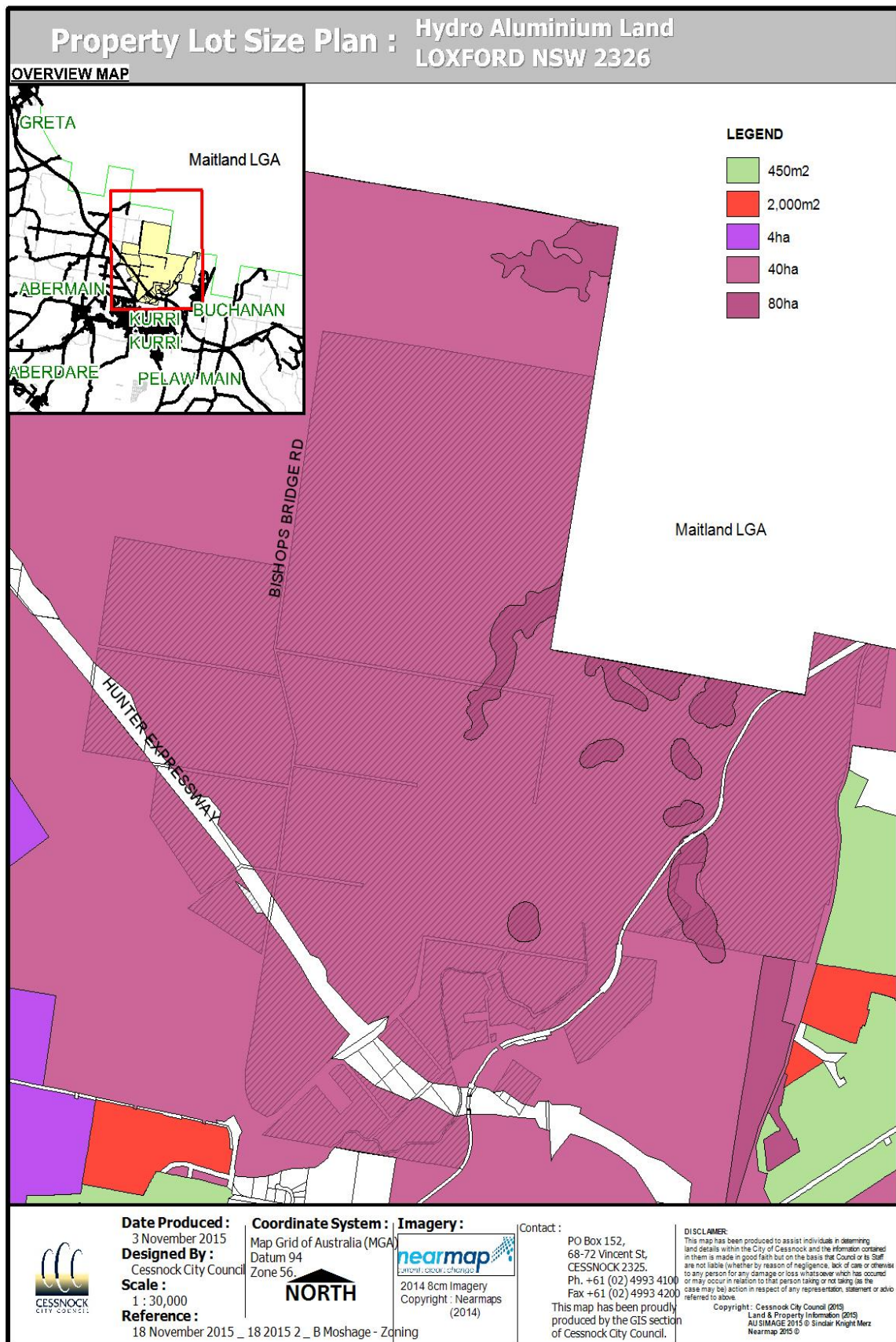
Map 3: Existing Zoning Map



Map 4: Proposed Zoning Map



Map 5: Existing Minimum Lot Size Map



**Hydro Cessnock
Lot Size Plan**

AB 40 ha
AC 80 ha
G 450

Cessnock City Council
Maitland City Council

NOVEMBER 2015

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 Environment during the Gateway determination.

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

- Office of Environment and Heritage for biodiversity considerations;
- Hunter Water Corporation for water and sewer connection services;
- Roads and Maritime Services as the proposal seeks to provide access onto a classified road (Hunter Expressway and Cessnock Road);
- All land owners affected by the Planning Proposal; and
- Any others specified in the Gateway determination.

It is recommended that the Planning Proposal, including the biodiversity certification application, structure plan, development control plan and related contribution plan be exhibited concurrently for a minimum period of thirty (30) days.

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, including consideration and assessment of the application for biodiversity certification of the land. It is estimated that this amendment to the Cessnock Local Environmental Plan 2011 will be completed by November 2017.

This timeline may change as the supporting documents are prepared and the Planning Proposal is assessed. Also, the Christmas / New Year period may push the timeframes out.

Report Planning Proposal to Council	Anticipate a report to Council to commence rezoning process in November 2015. This report will address the Planning Proposal and seek the following: 1. Gateway Determination 2. Delegations in respect of the Minister for Planning plan making functions 3. Application for biodiversity certification 4. A VPA for supporting local infrastructure 5. A DCP be prepared (by the applicant to Council's requirements) to address design, conservation and management measures that will reduce any negative impacts related to the proposed development of the Land. Given the size of the Planning Proposal a separate report be presented to Council detailing the final content of the Planning Proposal, including all supporting draft Plans and/or Agreements, prior to public exhibition.
Submit Planning Proposal to Planning & Environment	18 November 2015
Anticipated commencement date (Gateway Determination)	A three (3) month period is allocated February 2016
Anticipated timeframe for the completion of required technical information	TBA - It is noted that the proponent do not believe any further studies are required
Government agency consultation (pre / post exhibition) as required by Gateway	A minimum of twenty eight (28) days is usually allocated by the Gateway. However, this may be extended by individual agencies given the size of the Planning Proposal and / or individual components like the biodiversity application.
Prepare and finalised (draft) Bio Certification	As outlines in the 'Biodiversity Certification: Guide for Applicants', there are four (4) Stages in the Biodiversity Certification Process. The proponent is currently at Stage 2, which is validating the impact assessment (biodiversity values) identified in Stage 1.

	Using the results of Stage 2, Stage 3 involves calculating biodiversity values and addressing any deficiencies. Exhibition occurs at Stage 4, with a thirty (30) days exhibition is required. No firm time period has been allocated as each application for biodiversity certification is uniquely processed but it is anticipated that this could take twelve (12) months to complete
Prepare and finalised (draft) Development Control Plan	It would be anticipated that this would be undertaken concurrently with the above and completed prior to exhibition with the Planning Proposal.
Prepare and finalised (draft) Local Infrastructure VPA	It would be anticipated that this would be undertaken concurrently with the above and completed prior to exhibition with the Planning Proposal.
Report pre-exhibition Planning Proposal and supporting documents (biodiversity application, VPA and DCP) to Council	If a twelve (12) month time frame is allocated to the undertaking and completion of the supporting documents, a pre-exhibition report to Council would be anticipated in February 2017.
Commencement and completion dates for public exhibition period	It is preferable that the exhibition of the biodiversity application and strategy and (draft) DCP and notification of the (draft) supporting VPA are concurrently exhibited with the Planning Proposal. This being the case, a minimum exhibition period of thirty (30) days is proposed (noting the minimum exhibition period of the biodiversity application). However, given the volume of information to be exhibited, this period could be extended, by Council and/or the DoP&E, to sixty (60) days.
Dates for public hearing	If required - eight (8) to ten (10) weeks
Post exhibition review / consideration of submissions	In or about May 2017
Report post exhibition of Planning Proposal and supporting documents (biodiversity application, VPA and DCP) to Council	In or about July 2017
OEH review and finalise legal drafting of biodiversity application and confer biodiversity certification for the site	In or about October 2017

Finalise legal drafting of the Planning Proposal	In or about October 2017
Finalise legal drafting of the Local Infrastructure VPA	In or about October 2017
Forward Planning Proposal to DoP&E for notification	November 2017

Appendix 1: Council Report and Minutes



Acrobat Document

Council Report 18/11/15



Acrobat Document

Council Minute 18/11/15

Appendix 2: Land Lot Schedule

Lots 10-16	DP 1082569
Lots 17-22	DP 1082569
Lots 10-11 & 13-16	DP 1082775
Lot 1	DP 166625
Lots 2-3	DP 233125
Lot 789	DP 39701
Lots 1-3	DP 456769
Lot 2	DP 502196
Lot 1	DP 543057
Lot 10	DP 553542
Lot 1	DP 589169
Lots 1-3	DP 62332
Lot 1	DP 654206
Lot 1	DP 71130
Lot 809	DP 728982
Lots 316-319, 351-353, 356, 411-429, 435-439, 444, 447-451, 453-454, 456, 458-463, 682,& 769	DP 755231
Lot 1	DP 998540