



# **Planning Proposal**

## **AMENDMENT TO THE MAITLAND LEP 2011**

**Gillieston Heights Southern Precinct**

Version 1.0

11/11/2015

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## INTRODUCTION

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979. It explains the intended effect of, and justification for, the proposed amendment to Maitland Local Environmental Plan 2011 (MLEP 2011) with regard to land in the Gillieston Heights area detailed below.

Lot	Area	Owner
Lot 1 DP73597	342ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 1 DP547715	1.0ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 1 DP456946	8.0ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 2 DP456946	7.4ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 3 DP456946	3.2ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 4 DP456946	3.0ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 5 DP456946	3.6ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 6 DP456946	3.7ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 7 DP456946	2.9ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 8 DP456946	3.8ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 9 DP456946	6.2ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 10 DP456946	7.7ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 11 DP456946	7.3ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 54 DP975994	9.3ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 55 DP975994	8.6ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 58 DP975994	3.4ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 60 DP975994	6.5ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 61 DP975994	8.0ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 63 DP975994	8.0ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 69 DP975994	3.8ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 70 DP975994	9.4ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 71 DP975994	9.6ha	Hydro Aluminium Kurri Kurri Pty Ltd
Lot 1 DP302745	2.4ha	M Sewell
Lot 2 DP302745	2.5ha	R & VS Reynolds
Lot 1 DP601226	2.1ha	CA Warby
Lot 2 DP601226	35.7ha	VC Warby
Lot 21 DP1181574	4.9ha	GJ & VA Buxton
Lot 1 DP311179	0.85ha	PA & KM Stoop

The purpose of the planning proposal is to amend the Maitland LEP 2011 to provide for the development of the subject lands east of the South Maitland Railway for urban purposes, facilitating residential development with associated community, recreational and environmental outcomes. The Maitland Urban Settlement Strategy 2012 nominates this land as Category 1 Residential and Category 2 Residential. Additionally, the planning proposal includes lands west of the South Maitland Railway; however there are no proposed changes to the existing RU2 and



E2 zones other than minor boundary variations to achieve proposed biodiversity outcomes. A locality plan of lands subject to the planning proposal is appended as **Attachments 1 & 2**. A locality plan for subject lands identified as Category 1 and 2 Residential (MUSS), and proposed to be rezoned for urban purposes, is appended to the planning proposal as **Attachment 3**.

On 26 June 2015, Council received a rezoning submission prepared by ESS Australia on behalf of Hydro Aluminium Kurri Kurri Pty Ltd (Hydro). The submission requests Council to amend the Maitland LEP 2011 by rezoning land to enable residential lots to be developed on the site. Hydro owned land comprises the bulk of the rezoning proposal. However, in addition to the Hydro rezoning request, lands subject to the planning proposal include the remaining developable land east of Cessnock Road immediately adjoining the current, developing residential area of Gillieston Heights. Progression of the draft LEP will move to complete the rezoning process for the Gillieston Heights area.

Hydro owned land identified in the rezoning proposal, forms part of the wider land holding of the Kurri Kurri Hydro Aluminium industrial complex. This industrial land use has recently ceased operation with the landowner investigating potential redevelopment opportunities for areas of the site. The northern extent of the Hydro site is situated within the Maitland LGA and is subject to this planning proposal. The remainder of the Hydro Site (approximately 1300 hectares) is located within the Cessnock LGA and is subject to a separate planning proposal currently with Cessnock City Council to give effect to the Hydro Rezoning Masterplan appended to the planning proposal as **Attachment 4**.

The Hydro Rezoning Masterplan proposes urban development extending from the Hunter Expressway to Gillieston Heights. Development of the subject lands will establish a continuity of infrastructure and urban development, linking Hydro's proposed development to Cessnock Road, and establishing a connected growth corridor.

The central location of the subject land within the growth corridor, requires that planning outcomes for the subject land be considered within the broader strategic context. This includes a cross-border approach to infrastructure planning that takes into account areas of Hydro's residential catchment outside of the Maitland LGA. Preliminary discussions between the Maitland and Cessnock Council planning departments have indicated a willingness to investigate potential for a cross border Section 94 Plan. This cross border approach offers a holistic, integrated solution to infrastructure funding and provision, ultimately leading to a better community outcome.

A review has been undertaken of the Hydro rezoning submission and supporting preliminary site studies which address site characteristics and their suitability for urban development. In addition, a preliminary desktop review has been conducted for the subject lands east of Cessnock Road.

Council is not in a position to make an informed decision on the appropriate zoning for the site until further studies have been conducted and site constraints have been established. However, there is no impediment to progress with the preparation of a draft local environmental plan. In

accordance with the Department of Planning and Infrastructure Guidelines, additional detailed studies will be required following the issue of a Gateway determination.

## **PART 1: OBJECTIVES OR INTENDED OUTCOMES**

The objectives of the proposal are;

1. Extend the URA boundaries of Gillieston Heights to encompass the subject lands
2. Enable residential development
3. Protect and manage areas with environmental constraints
4. Ensure that future residents have access to adequate local and regional infrastructure

## **PART 2: EXPLANATION OF PROVISIONS**

The objectives of this planning proposal are intended to be achieved through amending the Maitland Local Environmental Plan (MLEP) 2011.

It is proposed to amend the Maitland LEP 2011 to provide for the development of the subject lands east of the South Maitland Railway for urban purposes. Council will be in a position to determine the appropriate zoning of the site following further studies to be conducted after the issue of a Gateway determination. It is anticipated that subject lands east of the South Maitland Railway will incorporate R1 – General Residential and E2 – Environmental Conservation zones.

Additionally, the LEP amendment will include an amendment to the boundary of the E2 – Environmental Conservation zone situated west of the rail corridor. The amendment is proposed to extend the zone boundary to the western border of Hydro's land holding to achieve proposed biodiversity outcomes.

It is anticipated that the rezoning may involve changes to the Land Zoning Maps 004B, 005 and 002 to reflect the zoning change on the site. The rezoning may additionally include changes to Lot Size Maps 004B and 005 to reflect the minimum lot size for R1 residentially zoned land in the proposed urban area east of the South Maitland Railway.

With the site being identified as an extension of the Gillieston Heights Urban Release Area, the amendment to the Maitland LEP 2011 would also involve a change to the Urban Release Area Maps 004B and 005 to depict the subject site as an Urban Release Area. The proposed URA map amendment is appended as **Attachment 5**.

As the site is to be identified as an Urban Release Area, it will be captured under the provisions of Part 6 of the Maitland LEP 2011. Subsequently, and consistent with other green field urban release areas, this ensures that satisfactory arrangements for the provision of designated state public infrastructure are met prior to the development of the subject site.

## **PART 3: JUSTIFICATION FOR PROPOSED REZONING**

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 the planning 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 THE PLANNING PROPOSAL**

#### **1. Is the planning proposal a result of any strategic study or report?**

Yes. The MUSS 2012 identifies the proposed urban area east of the South Maitland Railway as Category 1 – Residential and Category 2 – Residential.

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

It is considered that an amendment to the Maitland LEP 2011 through the gateway process and preparation of this planning proposal is the most effective and timely method to achieve the vision and objectives of the Lower Hunter Regional Strategy 2006 and Maitland Urban Settlement Strategy 2012.

The current land zoning does not permit residential development or supporting community and public infrastructure for the development of a future urban area. The rezoning will be supported by an infrastructure funding strategy and development control plan to achieve the objectives outlined in this planning proposal.

#### **3. Is there a net community benefit?**

No net community benefit test has been undertaken as part of this proposal. However, Council envisages that this planning proposal will result in a net community benefit.

Specifically, the subject lands are considered as part of the adopted policy position for urban investigation sites identified within Council's Maitland Urban Settlement Strategy 2012.

The rezoning of the subject site would enable residential development, contributing to the local economy given that a high proportion of residents within the subject area will be able to readily commute to the Maitland CBD. Additionally, this will assist in providing a local supply of labour for local businesses.

The public interest reasons for preparing this draft plan include:

- The development of the subject lands will support the growing residential population within the central sector of the Maitland LGA;

- The land has largely exhausted its historical agricultural use and the proposal to develop the land for urban purposes will result in an improved outcome and a higher order use of the land;
- Existing environmentally sensitive areas on the site will be protected and enhanced;
- The end urban environment may include community and public facilities for the growing population of the Gillieston Heights area including adjoining and surrounding residential areas.

The implications of not proceeding with the planning proposal include:

- The availability of urban land for population growth addressed in the LHRS 2006 will not be achieved;
- The desired future outcomes of Council's long term strategic plans (MUSS 2012) for this area will not be achieved;
- The potential for a higher order land use within the subject lands would be lost, as the land is not large enough to support sustainable agricultural practices;
- The potential for improvements to the existing public infrastructure would be limited;
- Opportunities to improve and enhance the linkages between established and developing residential areas of Gillieston Heights, Cliftleigh, and Hydro's proposed Central Residential Precinct will be denied if the proposal is not supported.

## **SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

### **4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?**

Lower Hunter Regional Strategy (NSW Department of Planning and Infrastructure) 2006

The LHRS 2006 provides a regional context for the need to accommodate population growth within the Lower Hunter Region. The strategy discusses opportunities for urban release areas, infill development, centres and corridors, and employment generating lands. The LHRS 2006 (p.27) identifies that between 2006 and 2031 the Maitland LGA is projected to accommodate an additional 21,500 new release dwellings. It is anticipated that the majority of dwellings will be contained within new urban release areas.

The Gillieston Heights locality has been identified in the Lower Hunter Regional Strategy (LHRS) as a 'Proposed Urban Area'.



Subject land situated east of the South Maitland Railway and proposed for urban purposes is contained within the 'Proposed Urban Area' at Gillieston Heights, identified on the LHRS map (LHRS 2006:12-13). Therefore, this planning proposal is consistent with the aims and objectives of the LHRS. The subject land proposed for urban purposes is approximately 114 hectares in size, offering a significant contribution in terms of releasing land to meet the dwelling projections outlined under the LHRS 2006.

**5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?**

Maitland +10 (Community Strategic Plan)

Council has prepared and adopted a community strategic plan (Maitland +10) in line with the new Integrated Planning and Reporting legislation and guidelines. The planning proposal is considered consistent with the vision and objectives of the Maitland +10 Community Strategic Plan as it provides opportunities for urban growth within the city to meet the needs of a growing population.

Maitland Urban Settlement Strategy (MUSS) 2012

The subject land situated east of the South Maitland Railway is currently zoned RU2 - Rural Landscape in the Maitland LEP 2011 and is identified in the Lower Hunter Regional Strategy 2006 as an area of investigation for urban purposes. The land occupies approximately 114ha and is identified in the Maitland Urban Settlement Strategy 2012 (MUSS) as Category 1 & 2 Residential. The Category 1 & 2 land accounts for the remaining developable land in the Gillieston Heights locality.

Rezoning the remaining Category 1 & 2 land as separate exercises at different points in time would frustrate the development of a section 94 Plan that delivers the required infrastructure funding base in a timely manner. It should be noted that access to a wide funding base is particularly beneficial in this instance, given the concentration of capital works required in what is a relatively small urban area.

The proposed solution to infrastructure funding challenges involves two actions; (i) to rezone the remaining Category 1 & 2 land in Gillieston Heights under the same planning proposal, and (ii) to conduct a joint cross-border section 94 plan with Cessnock City Council.

Although it is recognized that the rezoning of Category 2 Residential land is outside the policy position adopted in the MUSS, the action in this instance is considered justified. This justification rests on the need to capture a broader funding base for Section 94 developer contributions, and an expectation that required infrastructure will occupy land identified as Category 2 Residential. The strategic location of the subject land within the wider growth corridor, and the associated infrastructure provision required, necessitates the inclusion of Category 2 Land in the Planning Proposal.

## 6. Is the planning proposal consistent with applicable state environmental planning policies?

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

Table 1: Relevant State Environmental Planning Policies.

RELEVANCE	CONSISTENCY AND IMPLICATIONS
<p><b>SEPP (RURAL LANDS) 2008</b></p> <p>The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes.</p>	<p><b>Inconsistent</b></p> <p>The planning proposal is inconsistent with the Rural Lands SEPP (2008) as it proposes for RU2 Rural Landscape zoned land to be rezoned for urban purposes. Therefore, the proposal is not facilitating the orderly and economic development of rural lands for rural related purposes. However, the inconsistency with the aims of the Rural Lands SEPP 2008 is considered justified because the subject land proposed for urban purposes is identified as Category 1 &amp; 2 Residential in the MUSS 2012 and is therefore appropriate for urban development.</p>
<p><b>SEPP (INFRASTRUCTURE) 2007</b></p> <p>Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.</p>	<p><b>Consistent</b></p> <p>Nothing in this planning proposal affects the aims and provisions of this SEPP.</p>
<p><b>SEPP NO. 55 - REMEDIATION OF LAND</b></p> <p>Provides state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is</p>	<p><b>Consistent</b></p> <p>A contamination assessment and subsequent remediation has occurred for two noted infill sites situated in the mine subsidence area. Further contamination investigations will need</p>



**RELEVANCE**

contaminated. If the land is unsuitable, remediation must take place before the land is developed.

**CONSISTENCY AND IMPLICATIONS**

to occur for sites identified as having potential contamination. This may result in the need for a phase 2 contamination report and a subsequent remediation action plan (RAP).

## 7. Is the planning proposal consistent with applicable Ministerial Directions for Local Plan making?

Table 2: s117 Directions.

**s117 DIRECTIONS****CONSISTENCY AND IMPLICATIONS****1. EMPLOYMENT AND RESOURCES****1.1 Business and Industrial zones**

The objective of this direction is to protect employment land, encourage employment growth and support the viability of centres.

Not Applicable

**1.2 Rural Zones**

The objective of this direction is to protect the agricultural production value of rural land.

**Inconsistent**

The planning proposal is inconsistent with the objectives of this direction as it proposes for RU2 Rural Landscape zoned land to be rezoned for urban purposes. However, the inconsistency is considered justified because the subject land proposed for urban purposes is identified as Category 1 & 2 Residential in the MUSS 2012 and is therefore appropriate for urban development.

**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 of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.

Not Applicable

**1.4 Oyster Aquaculture**

The objectives of this direction are to ensure that Priority Oyster Aquaculture Areas and other oyster aquaculture areas, and any adverse impacts on these areas, are considered when preparing a planning proposal.

Not Applicable

**1.5 Rural Lands**

**Inconsistent**

## **s117 DIRECTIONS**

## **CONSISTENCY AND IMPLICATIONS**

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 planning proposal is inconsistent with the objectives of this direction as it proposes for RU2 Rural Landscape zoned land to be rezoned for urban purposes. However, the inconsistency is considered justified because the subject land proposed for urban purposes is identified as Category 1 & 2 Residential in the MUSS 2012 and is therefore appropriate for urban development.

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## **2. ENVIRONMENT AND HERITAGE**

### **2.1 Environment Protection Zones**

### **Consistent**

The objective of this direction is to protect and conserve environmentally sensitive areas.

The planning proposal is consistent with the objectives of this direction as it proposes to extend the existing E2 – Environmental Conservation zone on the subject land. It is anticipated that an additional E2 zone may be included in the proposed urban area, subject to further biodiversity and geotechnical studies to be conducted following the issue of a Gateway determination.

### **2.2 Coastal Protection**

The objective of this direction is to implement the principles in the NSW Coastal Policy.

Not Applicable

### **2.3 Heritage Conservation**

### **Consistent**

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

A preliminary heritage assessment has identified sites of aboriginal heritage on the subject lands. One aboriginal heritage site was identified in the proposed urban area and is classified as artefact scatter with low scientific significance. Any further development of the site will require further due diligence at the development assessment stage in accordance with OEH guidelines.

Following the issue of a gateway determination, additional studies will be required investigating European archaeology.

No studies have been conducted for subject lands east of Cessnock road, and will be required following the issue of a gateway determination.

### **2.4 Recreation Vehicle Areas**

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**s117 DIRECTIONS****CONSISTENCY AND IMPLICATIONS**

The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

Not Applicable

**3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT****3.1 Residential Zones****Consistent**

Encourage a variety and choice of housing, minimise the impact of residential development on the environmental and resource lands and make efficient use of infrastructure and services.

The planning proposal is applicable to this direction as it is proposing an amendment to the MLEP 2011 for rezoning of lands for urban purposes.

The proposed rezoning will result in a change of land use to enable future residential development of the site. The land proposed for urban purposes is identified as Category 1 and Category 2 Residential in the MUSS 2012.

Therefore the proposal is consistent with the objectives of this direction.

**3.2 Caravan Parks & Manufactured Home Estates**

To provide a variety of housing types and to provide for caravan parks and manufactured home estates.

Not Applicable

**3.3 Home Occupations****Consistent**

To encourage the carrying out of low-impact small businesses in dwelling houses.

The planning proposal is applicable to this direction as it is proposing an amendment to the MLEP 2011 for rezoning of lands for urban purposes.

The proposed rezoning will result in a change of land use to enable future residential development of the site. The land proposed for urban purposes is identified as Category 1 and Category 2 Residential in the MUSS 2012. Therefore, the planning proposal is considered consistent with the objectives of this direction.

**3.4 Integrating Land Use and Transport****Consistent**

The objectives relate to the location of urban land and its proximity to public transport infrastructure and road networks, and improving access to housing, employment and services by methods other than private vehicles.

The planning proposal proposes to establish an urban environment with local and regional connectivity through design and location of road networks including provision for public transport services. The planning proposal is considered consistent with the objectives of this direction.



### 3.5 Development Near Licensed Aerodromes

The objectives relate to the safe operation of aerodromes, as well as mitigating against obstruction, flight hazard and aircraft noise.

Not Applicable

### 3.6 Shooting ranges

The objectives relate to safety and planning associated with shooting ranges.

Not Applicable

## 4. HAZARD and RISK

### 4.1 Acid Sulfate Soils

#### Consistent

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

The Maitland LEP 2011 indicates a potential Class 1, 2, and 5 Acid Sulphate Soils risk affecting subject lands proposed for urban purposes.

Additionally, the Maitland LEP 2011 indicates a potential Class 2, 3, 4 and 5 Acid Sulphate Soils risk affecting the subject lands west of the South Maitland Railway. This area is not proposed for urban purposes.

Further development associated with the subject lands will, in accordance with Clause 7.1 of the MLEP 2011, be required to include an Acid Sulfate Soil and Salinity Management Plan as a condition of development consent. The proposal is consistent with this direction.

### 4.2 Mine Subsidence and Unstable Land

#### Consistent

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 subject land is not within a Proclaimed Mine Subsidence District; however this direction applies as the land has been identified as containing shallow underground mine workings by the Mine Subsidence Board. Further detailed studies and consultation with the Mine Subsidence Board will be required following the issue of a gateway determination.

Subsequent zoning of the subject land will respond to mine subsidence site constraints to ensure appropriate development of these sensitive areas. It is expected that the locality impacted by mine subsidence may be subject to an E2 - Environmental Conservation zone.

**4.3 Flood Prone Land****Consistent**

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 land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

A small portion of the subject land in the south eastern extent of the proposed urban area is affected by inundation during a 1:100 ARI flood event.

Subject land situated west of the South Maitland Railway is impacted by flooding of the Swamp Creek catchment, however this area is not proposed for urban purposes.

Development of the proposed urban area in conjunction with the development of Hydro's Central Residential Precinct will facilitate access for Gillieston Heights that is above the 1:100 ARI flood event.

The planning proposal is considered consistent with the objectives of this direction.

**4.4 Planning for Bushfire Protection****Consistent**

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 direction applies as part of the subject site is identified as bushfire prone. Environmental studies for the site have assessed bushfire risk and outlined the environmental hazards from bushfire threat on any future urban development. Further assessment of bushfire risk will be required at the development assessment stage. It is considered the planning proposal is consistent with the objectives of this direction.

**5. REGIONAL PLANNING****5.1 Implementation of Regional Strategies****Consistent**

This direction requires a draft amendment to be consistent with relevant state strategies that apply to the LGA.

The planning proposal is consistent with the aims and objectives of the LHRS 2006 as it complies with the principles of the strategy and will provide valuable economic, social and potentially environmental benefits to the region. The site is identified in the MUSS 2012 as Category 1 and Category 2 Residential. Therefore, the planning proposal is considered consistent with the aims of this direction

**5.2 Sydney Drinking Water Catchment**

The objective of this direction is to protect water quality in the Sydney drinking water

Not Applicable

catchment.

### 5.3 Farmland of State and Regional Significance on the NSW Far North Coast

This direction aims to protect the best agricultural land for current and future generations by providing certainty over long term use, and in doing so, minimising land use conflicts.

Not Applicable

### 5.4 Commercial and Retail Development along the Pacific Highway, North Coast

This direction aims to manage commercial and retail development along the Pacific Highway between Port Stephens and Tweed Shire Councils.

Not Applicable

### 5.8 Second Sydney Airport: Badgery's Creek

This direction aims to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgery's Creek.

Not Applicable

### 5.9 North West Rail Link Corridor Strategy

This direction aims to promote transit-oriented development around the train stations of the NWRL and ensure development adheres to the NWRL Corridor Strategy and precinct Structure Plans.

Not Applicable

## 6. LOCAL PLAN MAKING

### 6.1 Approval and Referral

**Consistent**

The direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

The planning proposal does not affect the objectives of this direction and will be consistent with this requirement.

### 6.2 Reserving Land for Public Purposes

The direction aims to facilitate (i) the provision of public services and facilities by reserving land for public purposes; and (ii) removal of reservations of land for public purposes where land is no longer required for acquisition.

Not Applicable

### 6.3 Site Specific Provisions

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

Not Applicable

## 7. METROPOLITAN PLANNING

### 7.1 Implementation of the Metropolitan Plan for Sydney 2036

**s117 DIRECTIONS****CONSISTENCY AND IMPLICATIONS**

The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.

Not Applicable

**SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT****8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

A biodiversity report has been submitted outlining key biodiversity findings for the Hydro site. Hydro is conducting an ongoing biodiversity study as part of a biodiversity certification process that encompasses the entire Hydro site. The submitted report provides a preliminary presentation of these findings.

The report identifies four endangered ecological communities (EEC) within the Maitland LGA, two of which are identified as being intact. There were no threatened flora species identified in the Maitland LGA.

A literature review and site survey identified a number of threatened fauna species within the Maitland LGA. Two of these species, the Squirrel Glider and East-coast Freetail Bat, were identified east of the South Maitland Railway in the site area proposed for urban purposes.

Further assessment of biodiversity constraints and proposed development impacts will be made following the submission of Hydro's finalised biodiversity studies. Additional information will be requested should it be deemed necessary. Additional biodiversity studies may be required, following the issue of a Gateway determination, addressing subject land east of Cessnock Road.

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

A suite of studies were undertaken by the proponent to justify the preparation of an amendment to the Maitland LEP 2011. Hydro has undertaken a detailed environmental assessment across the full extent of the Hydro site. A large portion of the site is within the Cessnock LGA and subject to a separate rezoning application, currently being considered by Cessnock Council. The matters that were specifically addressed include:

- Aboriginal Cultural Heritage Assessment
- Biodiversity
- Bushfire Impact Assessment

- Contamination Assessment
- Detailed Servicing Strategy
- Flooding and Stormwater Impact Assessment
- Geotechnical Assessment
- Noise and Vibration Impact Assessment
- Socio and Economic Impact Assessment
- Stakeholder Engagement
- Subdivision Design
- Traffic and Transport Study
- Visual Impact Assessment

In addition to the Hydro submission, a preliminary desktop analysis has been undertaken for Category 1 and 2 lands east of Cessnock Road; with further detailed studies to be conducted after the gateway determination has been issued.

Further studies will include any additional issues raised by Council during the initial assessment of the rezoning proposal. A summary of the site studies and issues raised for the subject land are addressed below.

### Traffic and Transport

The proponent has undertaken a preliminary traffic and transport study for the Hydro master plan as a whole. It provides an analysis of key access points, estimated traffic generation, and an examination of road and intersection upgrades to support future development thresholds.

The main access to the central and northern residential development is proposed via a new intersection with Cessnock Road. Access from the proposed residential land to Cessnock Road / Main Street would provide connection to Maitland to the north, Kurri Kurri and Cessnock to the southwest and Newcastle/M1 Pacific Motorway to the east via the Kurri Kurri Interchange and M15 Hunter Expressway.

Modelling undertaken by the proponent indicates that a signalised intersection on Cessnock Road will provide an acceptable level of service. However, the modelling includes a number of key assumptions that are subject to change, including the assumed provision of a signalised T-junction for the Cessnock Road intersection, and an ultimate residential development of 1785 dwellings proposed for the northern and central residential precincts.

The report states that there can be opportunity for Hydro to connect their internal road network via development in Cliftleigh, and notes that the internal road network for the Hydro site will be

refined as development progresses. Therefore, the modelled traffic volume represents a worst case scenario, as all residential traffic is assumed access exclusively via the proposed Cessnock Road signalised intersection.

The report recommends that development of the Hydro site will require regular reviews of traffic generation and its impact on the road network. The report recommends that RMS traffic generation be reviewed when agreed milestones are reached, for example after 75 ha of developable land is completed and occupied.

Further studies and consultation with RMS will be required; however there is no objection to progress the planning proposal provided the following points are addressed following the issue of a Gateway determination:

- A comprehensive traffic report and transport study will be needed to inform the location of intersections, bus routes, pedestrian and cycle networks, and road hierarchy across the whole of the land to the south of Gillieston Heights.
- Hydro's indicative location of the Cessnock Road intersection is not supported at this stage. It should be considered at a location further to the south. A holistic intersection strategy onto Cessnock Road will need to be submitted to both Council and RMS which adequately addresses both the state road function as well as the local residential connectivity.
- A road hierarchy plan based on both lot yields and road function will need to be developed and incorporated into a DCP. The road hierarchy will have to be cross referenced with the slope analysis to ensure bus routes and higher order roads can be physically located in the proposed locations.

### Subdivision Design

Hydro has submitted a subdivision design report which includes a discussion of constraints and opportunities for the whole site. It includes a proposed subdivision design for the residential and industrial precincts.

In its discussion of residential precincts, the report identifies a range of supporting land uses, including the provision of open space, community centres, education facilities, commercial and retail space. The report's discussion of supporting land uses will need to be supplemented with detailed studies prior to rezoning. The quantum of open space must be correlated to population thresholds and associated community requirements in accordance with Council standards.

Discussion regarding the composition of housing products, particularly with respect to smaller lot sizes, needs to be justified with reference to demographic and market profiles specific to the locality. Additionally, the discussion of lots sizes in the report will need to be further informed with correlation to road hierarchy, parking and traffic implications, so that it can be articulated into a lot size map and DCP. The small lot sizes discussed in the report cannot be supported in

isolation of traffic and transport considerations. A concept layout and road hierarchy should be provided based on the predicted lot yield to inform the location of higher order roads.

Further studies addressing these matters will be required following the issue of a Gateway determination.

### Flooding and stormwater impact Assessment

The proponent has conducted a flooding and stormwater impact assessment for the whole Hydro site. It has considered the impact of flood levels at the minimum habitable floor level (1% AEP flood level plus 0.5 metre freeboard) and at the Probable Maximum Flood (PMF) level.

Subject land situated east of Cessnock Road is framed by the Wallis Creek catchment and Testers Hollow. It is noted that the eastern extent of this land is impacted by flooding constraints. Subject land situated west of the Hunter Railway is impacted by flooding of the Swamp Creek catchment, however this area is not proposed for urban purposes. The report notes that Hydro's northern residential precinct is above RL9.7mAHD, the adopted 1% AEP flood level.

A Digital Elevation Model (DEM) based on LIDAR information and used in conjunction with 1:25,000 topographic data was used to identify the hydrological features of the site. Modelling indicates that the subject land includes vegetated drainage corridors. The subdivision design should give consideration to the use of existing drainage corridors as part of the trunk drainage system.

A flood impact assessment will need to consider the effect of this proposal on receiving flood areas. Discussion and confirmation of legal and physical points of discharge shall be provided along with confirmation of the capacity of relevant points, such as under the railway. Consideration and discussion about any cross boundary LGA issues will be required, as at least two points discharge across the LGA boundary. Additionally, the trunk drainage system and indicative locations and sizing of basins should be provided to inform positioning of zone boundaries to allow for any slight protuberances into the flood plain. A drainage and water quality strategy will be needed prior to rezoning.

The report notes that the proposed residential development of the site would have the benefit of providing an alternate access route between Kurri Kurri and Maitland that is above the 1% AEP flood level.

In addition to the matters above, a flooding and stormwater impact assessment will be required, following the Gateway determination, for subject land east of Cessnock Road.

### Contamination Assessment

A contamination report has been submitted for Hydro land. The report notes that the subject land is situated within the buffer zone associated with the decommissioned smelter. The land has a history of extractive industry and intensive agricultural activities.

Included in the report is a remediation action work plan (RAWP) and validation report. These reports detail sampling and remediation activities undertaken on residential parcel 1, which refers to Hydro land east of the South Maitland Railway subject to the planning proposal. The validation report details the remediation of two noted infill sites situated in the mine subsidence area. However, further sampling was not undertaken across the site other than for fluoride that was undertaken at surface samples.

The submitted reports are considered to be preliminary as they do not provide a sufficient basis for council to establish site constraints and make an informed decision on the appropriate zoning for the site. Further contamination investigations, post gateway, will need to occur for sites identified as having potential contamination. This may result in the need for a phase 2 contamination report and a subsequent remediation action plan (RAP).

Contamination studies have not been conducted for subject land east of Cessnock Road. A full suite of studies, post gateway, will be required to determine the condition of the site and any possible development constraints.

#### Noise and Vibration

A noise and vibration impact assessment has been undertaken that provides an assessment of impacts for the entire Hydro site. Hydro's proposal to develop land in close proximity to both the South Maitland Railway and Cessnock Road has resulted in uncertainty about future noise and vibration impacts. It is noted that sampling has been undertaken on the subject land, areas of which have been identified as being expected to exceed the noise criteria. However, the results of sampling undertaken on the subject land have not been included in the report and will need to be provided.

There is additional uncertainty with respect to noise and vibration impacts resulting from proximity to the South Maitland Railway. The current frequency of rail corridor activity needs to be quantified, and further discussion provided with respect to projected future rail activity. This should include a discussion of projected industrial and mining related use, in addition to the potential for domestic rail services. It is expected that any residential development in proximity to the rail line will incorporate measures to address noise.

The report notes that impacted areas of the site will be subject to an acoustic assessment, and recommends a range of measures to ensure satisfactory internal noise amenity. However, without a clear understanding of noise and vibration impacts, council is not in a position to make an informed decision on the appropriate zoning for the site. Further studies will be required following the Gateway determination, to clearly define noise and vibration impacts, both for Hydro's proposed residential development and for subject land east of Cessnock Road.

## Bushfire

A bushfire threat assessment has been carried out for the entire Hydro site. The report does not specify areas of the site deemed as bushfire prone. A desktop review of Council's Bushfire Map identifies portions of the subject land as being bushfire prone, including portions of land proposed for urban purposes. The report notes that following an assessment of the bushfire threat, the rezoning proposal is supported subject to mitigation measures.

It is considered the site is suitable for urban development and that measures to mitigate bushfire threat can be achieved and addressed through the development assessment process, where approval from the RFS will be required.

## Geotechnical

A preliminary geotechnical assessment has been submitted for subject land west of Cessnock Road proposed to be rezoned for urban purposes. The preliminary geotechnical assessment indicates that the site is generally suitable for the proposed residential development, subject to a more detailed investigation being undertaken.

Enquiries with the Mine Subsidence Board indicate that there are portions of the site near to the railway that have been undermined. MSB drawings showing the approximate extent of the workings are appended to this report as **Attachment 6**. Mine subsidence risks are likely to present the most significant geotechnical constraint. The report argues that these risks can be overcome with suitable planning, investigation and remediation strategies. Council is not in a position to make an informed decision on the appropriate zoning for the site before a further detailed assessment of mine subsidence risks and remediation strategies have been conducted. Additional studies will be required following the issue of a Gateway determination, in addition to consultation with the Mine Subsidence Board who will provide appropriate advice on zone boundaries relevant to shallow mine workings.

The report notes that in addition to mine subsidence matters, the development may encounter soft / wet soils in areas of high moisture, poor subgrade soils and reactive clays. The report concludes that these matters can be readily managed by good engineering and construction practices.

It should be noted that no geotechnical studies have been undertaken for subject land east of Cessnock Road, and may be required following the issue of a Gateway determination.

## Visual Impact

The proponent has submitted a visual impact assessment for the entire Hydro site. In reference to the subject land, the report provides the following recommendations;

- Where practicable, existing vegetation is to be maintained and enhanced (particularly along ridgelines, knolls and the slopes), so as to provide buffers and landscaped visual relief within subdivisions and housing development.
- Where available, subdivision and housing design should take advantage of significant and attractive views overlooking surrounding rural lands by orienting streets and locating public space to capture views.
- Development adjacent to rural land and flood prone land are to be suitably designed so as to be compatible with the existing rural character and setting.
- New landscaping shall be provided in visually prominent locations throughout subdivisions, particularly adjacent to any classified roads, including road reserves where practicable, to provide visual relief to the built elements.

The report notes that although there would be visual change for existing and proposed residents of Gillieston Heights, it is likely there is a strong awareness and expectation of change among residents due to the rapid pace of development in the surrounding area. Throughout the vicinity, rural properties are being converted to low-density residential estates. The proposal would extend the area of low-density residential visual character currently occurring.

It is anticipated that a visual impact assessment would be required at the development assessment stage for subdivisions and development that are likely to have a visual impact on the area.

#### **10. How has the planning proposal adequately addressed any social and economic effects?**

The planning proposal provides increased housing opportunities within the central sector of the Maitland LGA including the possibility for a diverse range of housing choice. Any increase in supply of housing will increase the need for the provision of open space and recreational services including community facilities, passive and active open space areas either within or utilising existing facilities in the immediate areas. This will be considered in the preparation of the infrastructure plan.

The proponent has submitted a socio and economic impact assessment for the entire Hydro site. It is reasonable to extrapolate the findings of the social impact assessment to provide a general understanding of impacts for the Maitland LGA.

The report identifies a range of relevant issues for the local community, including the need for quality public transport, and the need to encourage connectivity and access to surrounding residential and employment areas. The report also concludes that additional demand generated by the new community on existing community facilities may generate the need for new community infrastructure. It should be noted that these issues will be addressed in the preparation of a Section 94 Plan. Discussion between Maitland Council and Cessnock Council has raised the possibility of developing a cross border Section 94 Plan in order to adopt a holistic approach to infrastructure provision across the Hydro site.

Development of the Hydro site will increase the availability of housing stock, providing a contribution towards regional population growth targets identified in the Lower Hunter Regional Strategy. The report notes that a diversity of lot sizes and housing styles would contribute to diversity across the community in terms of household types and income groups.

In addition, the report notes that employment opportunities will be generated by the industrial and commercial precincts that form the southern extent of the Hydro Masterplan. Strong connectivity between the proposed urban area and the Maitland CBD should also be considered as notable in this regard.

### Aboriginal and Cultural Heritage Assessment

An Aboriginal and cultural heritage assessment has been submitted by the proponent. The methodologies for the assessment have thoroughly investigated the site and have been endorsed by all stakeholders. It is noted that a number of stakeholders have considered the submitted and reviewed reports as background documents, necessitating further detail to be submitted as part of the future development of the site. In response, the report notes that:

This Aboriginal cultural heritage assessment report is to form part of a planning proposal to Maitland and Cessnock Shire Councils to rezone land within the Project area. As no ground surface impacts are proposed as part of Hydro's Planning Proposal, the current assessment will not be used to support applications for AHIPs under Section 90A of the NPW Act 1974. Such applications will need to be supported by standalone Aboriginal Cultural Heritage Assessment and Aboriginal Archaeological Reports prepared in accordance with OEH guidelines. A process of Aboriginal community consultation carried out in accordance with the Consultation Requirements would also need to be demonstrated.

The study has been prepared for the full Hydro redevelopment area, much of which lies outside the boundaries of the subject application. A listing of sites which apply specifically to the subject area will be required.

With respect to European archaeology, it is understood that the South Maitland Railway runs through the subject land. There does not appear to have been reference to this site, or an assessment of the area with respect to mining related heritage and artefacts. A Historical Archaeologist, preferably with specific experience in industrial heritage, will be requested to provide a preliminary archaeological assessment for the subject area in order to gauge its potential in this respect.

It should be noted that no Aboriginal and cultural heritage studies have been undertaken for subject land east of Cessnock Road, and will be required following the issue of a Gateway determination.

## Stakeholder Engagement

Hydro has submitted an overview of its stakeholder engagement strategy, developed to guide the project during the investigations and future planning phases, including the rezoning proposal. The strategy aims to increase engagement with the local community and other stakeholders, to maintain good existing relationships and provide an ongoing two-way flow of information.

The key consultation activities being carried out to inform the project, including the rezoning proposal, include:

- **Kurri Kurri Hydro Community Reference Group (CRG)** – established in 2014 the CRG comprises representatives of the community and stakeholder groups being impacted by the current and future activities, and relevant Hydro staff. The CRG acts as a conduit to the community, relaying information and community concerns and queries to inform the project.
- **Community information sessions** – informal information drop-in sessions were held in April 2015. Further sessions may be held during the public exhibition of the rezoning proposal and exhibition of the environmental impact assessment and Development Application. This would be in addition to any formal Council processes associated with a Planning Proposal and any Development Applications for the site.
- **Contact mechanisms** – a project phone number and email address have been set-up to facilitate all community and stakeholder enquiries and feedback.
- **Online communication** – a project website and YouTube channel have been developed to provide clear information about the project, including the re-zoning proposal and preliminary site master plan.
- **Key stakeholder consultation** – ongoing consultation with key government authorities and agencies, as well as community groups and directly impacted residents.

## **SECTION D – STATE AND COMMONWEALTH INTERESTS**

### **11. Is there adequate public infrastructure for the planning proposal?**

The provision of public infrastructure is an important issue in the Gillieston Heights area, and indeed, in the wider context of Maitland's longer term urban growth. This planning proposal is considered to place significant additional demands on the public infrastructure and the general infrastructure needs. A servicing strategy has been prepared by the proponent for the entire Hydro site outlining general principles for the supply of water, sewer infrastructure, electricity, gas and communications networks. The strategy includes a staging plan that is largely determined by the provision of lead in infrastructure.

The report notes that the supply of potable water to the development would be instigated at the developer's expense based on a staging that provides security of supply in the short-term and adequate main sizes to accommodate the ultimate growth of the development. On completion of the rezoning process, further investigation will be performed through the preparation of a developer funded Water Servicing Strategy to Hunter Water Corporation standards. The Water Servicing Strategy will identify the means of supplying potable water to the high-level area in the north east corner of the residential precinct and ensure security of supply for the ultimate growth of the Hydro site.

Sewer services are proposed to be supplied via conventional gravity mains draining to a series of waste water pump stations. Each waste water pump will direct flows to an adjacent catchment and ultimately to the Kurri Kurri Waste Water Treatment Works. The report states that on completion of the rezoning process, further investigation will be performed through the preparation of a developer funded Sewer Servicing Strategy to Hunter Water Corporation standards. This will identify the means of supplying sewer to the development and reducing the number of pump stations where possible.

Electricity is proposed to be delivered to the development through underground cable located in common shared trenching through the road reserves. The report states that 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. On completion of the rezoning process, further investigation will be performed through Ausgrid's preparation of a developer funded Identification of Needs Masterplan. This will identify the means of supplying electricity to the development, including refined estimates of ultimate demand.

The report notes that 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.

Communications connections are proposed to be made available and determined by the National Broadband Network (NBN Co) once the first application is made.

The report states that the provision of essential lead-in infrastructure services and the attached cost will have a substantial impact on the construction staging. The entire residential development is proposed to drain to Kurri Kurri WWTW due to capacity and access constraints in the Farley WWTW catchment. The planning, design, construction and commissioning of Waste Water Pump Stations are likely to dominate the staging sequence as the sewer network is largely governed by topography. Therefore, staging is presumed to be governed by the sewer catchment boundaries.

The staging sequence of the central and northern residential development is expected to progress northwards, following a central spine road connecting to Cessnock Road in the north east. Land not directly connected to the spine road is proposed to be developed at later stages, with the north eastern extent of Hydro's residential catchment occupying the final stages of the residential development.

However, the proposed staging plan is not supported in its current form, as it alienates the existing rezoned land to the north of Hydro's northern residential precinct until the final stages of the development. Earlier connection to that land will be required.

Additionally, a servicing strategy for land east of Cessnock Road, forming part of this proposal, will be required following the issue of a Gateway determination.

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

No formal consultation with State and Commonwealth public authorities has been undertaken in relation to the rezoning. Consultation will occur in accordance with the conditions outlined in the Gateway Determination to be issued for this planning proposal.

## **PART 4: ATTACHMENTS**

The following attachments support the proposal:



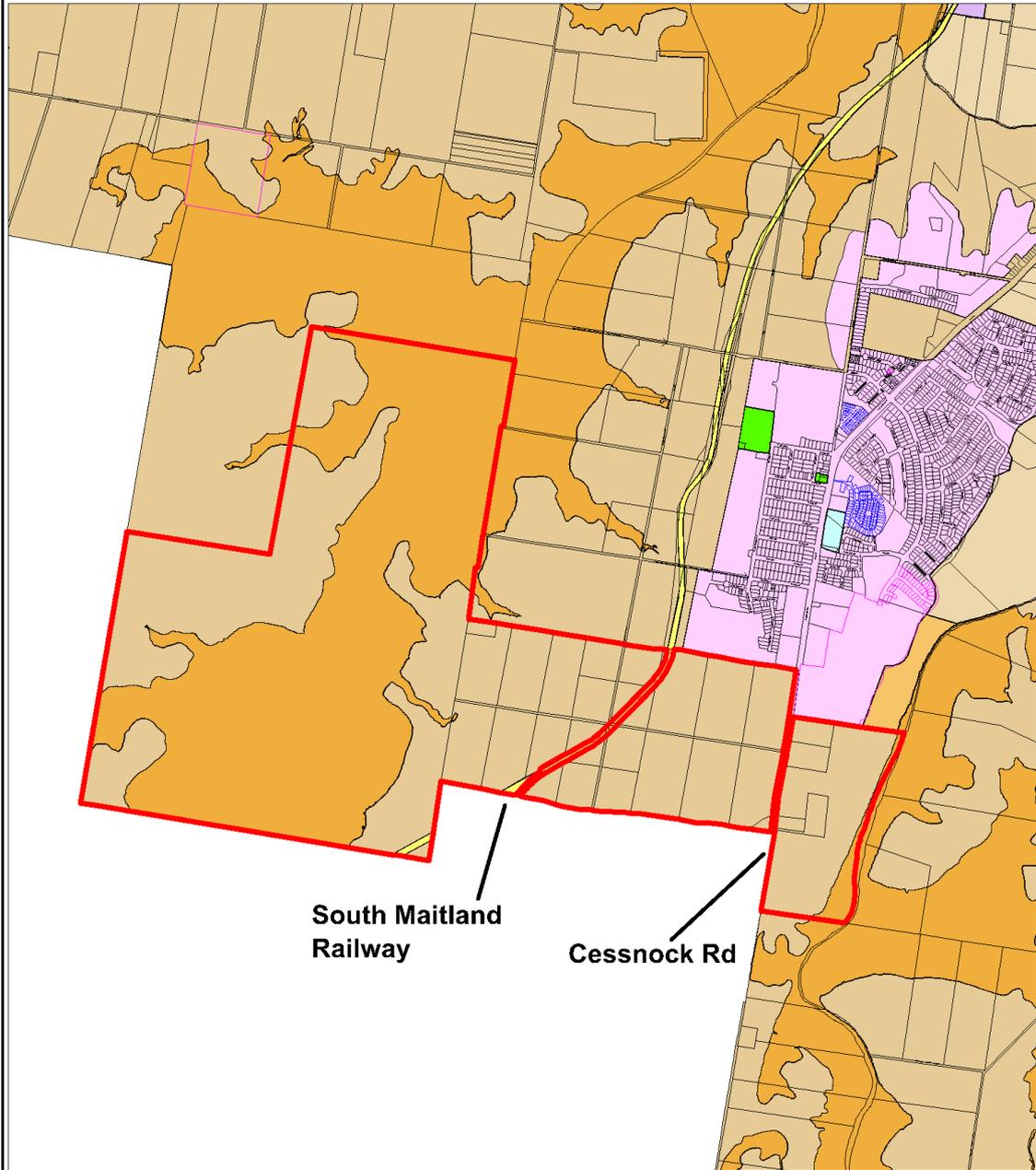
# Attachment 1: Locality Plan



	<p>Scale 1 : 000 Printing Date: September 2015</p>	<p>NORTH</p>	<p>© Maitland City Council 2015 © LPI 03/03/1997</p>
<p>This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time. It is the responsibility of the user to make his/her own decisions about the correctness of information found. The Council cannot warrant and does not represent that the advice can be relied upon completely. The Council also cannot accept any responsibility or liability for any loss, damage, cost or expense you might incur as a result of the use of or reliance upon the information. The map is for information purposes only and is not to be re-engineered, modified or used for any other purpose than for information.</p>			



## Attachment 2: Locality Plan - Existing Zone Map



Scale 1 : 000  
 Printing Date: September 2015



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### Attachment 3: Proposed Urban Area - MUSS Categories



Scale 1 : 000  
 Printing Date: September 2015



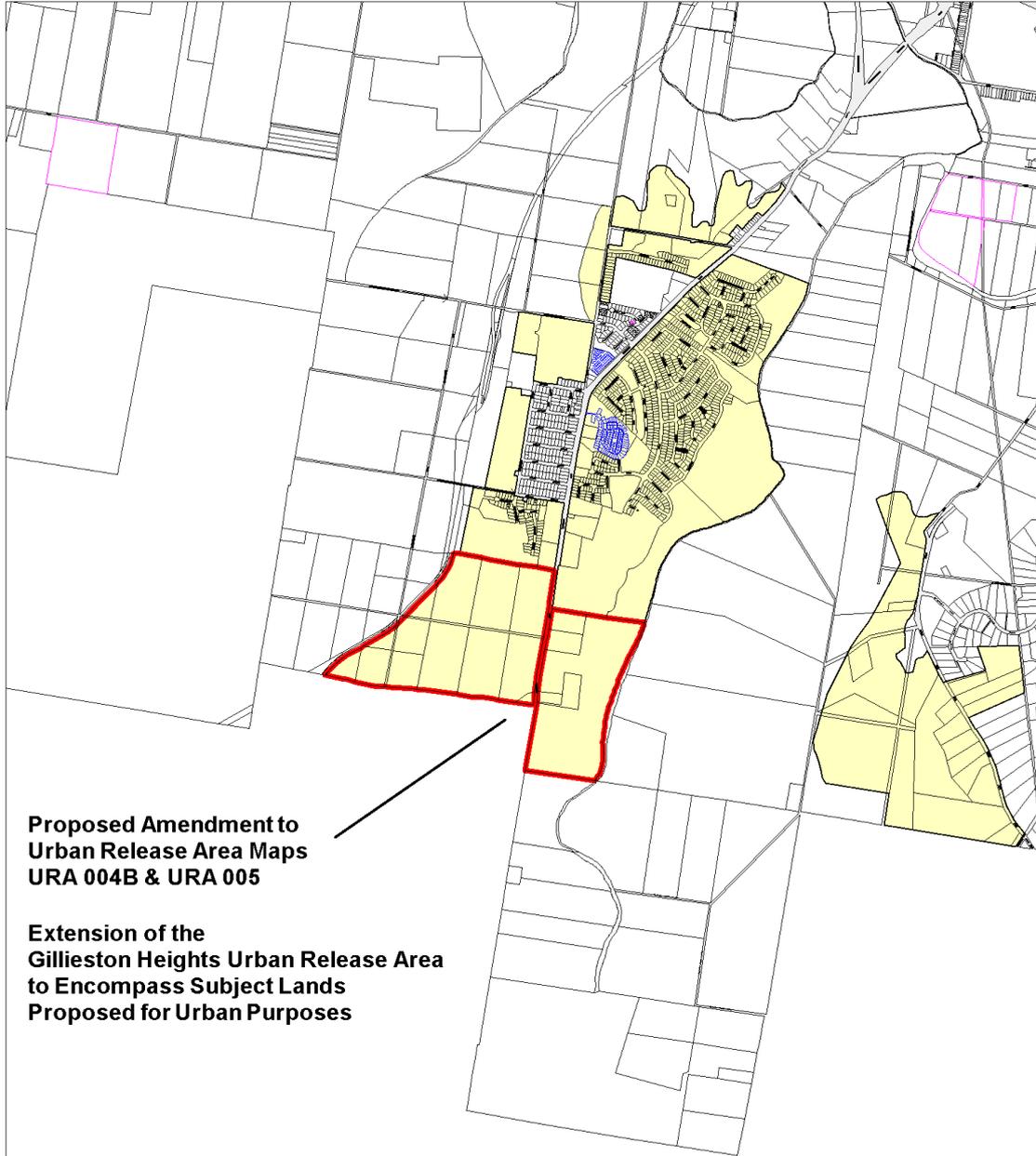
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**Attachment 5: Proposed Amendment to  
Urban Release Area Maps - URA 004B & URA 005**



**Proposed Amendment to  
Urban Release Area Maps  
URA 004B & URA 005**

**Extension of the  
Gillieston Heights Urban Release Area  
to Encompass Subject Lands  
Proposed for Urban Purposes**



Scale 1 : 000  
Printing Date: September 2015

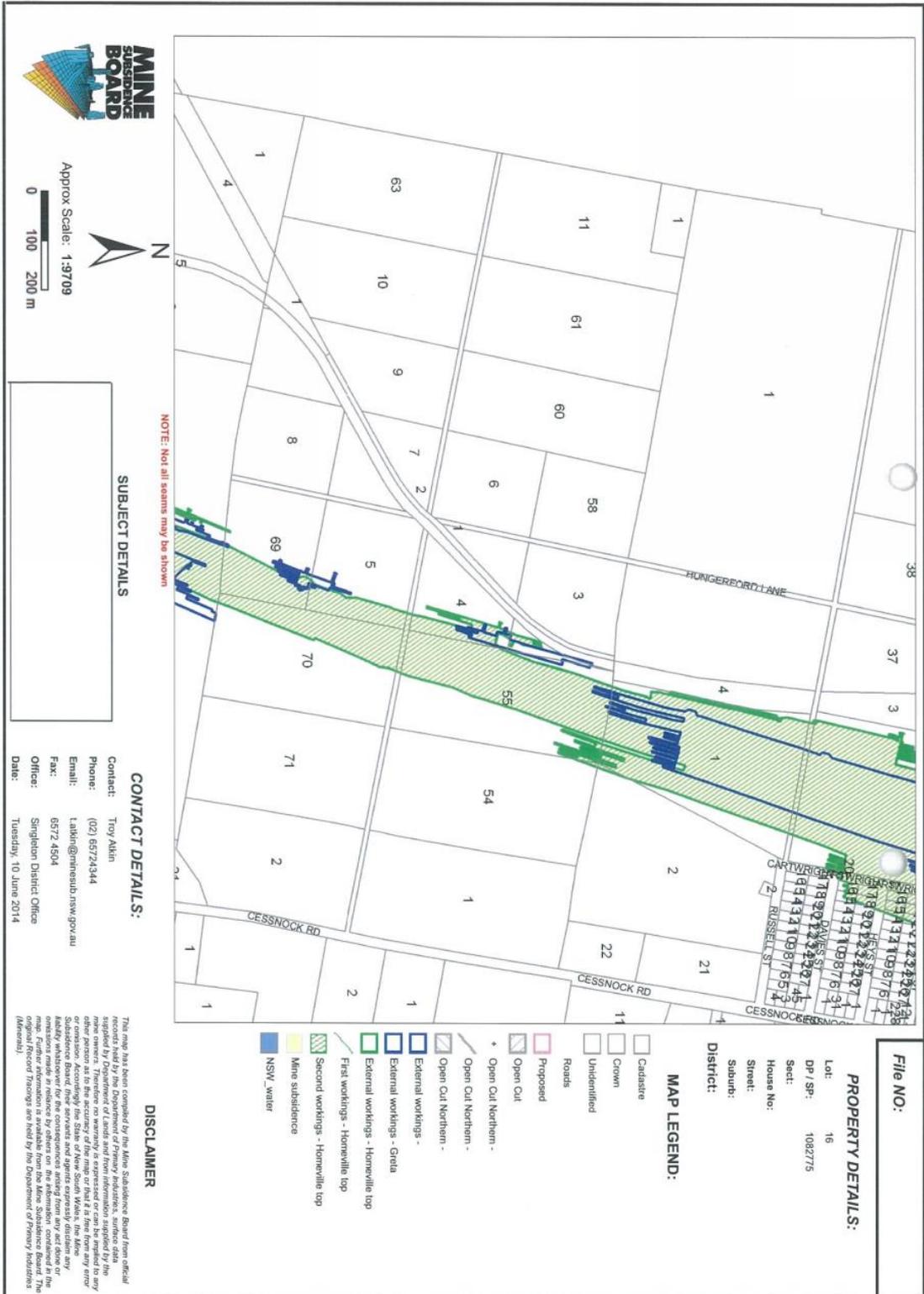


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# Attachment 6: MSB Map – Approximate Extent of Shallow Mine Workings



## **PART 5: COMMUNITY CONSULTATION**

In accordance with Section 57(2) of the Environmental Planning and Assessment Act 1979, community consultation must be undertaken by the local authority prior to approval of the planning proposal.

In accordance with Council's adopted Community Engagement Strategy (March 2009), consultation on the proposed rezoning will be undertaken to inform and receive feedback from interested stakeholders. To engage the local community the following will be undertaken:

- A public exhibition period of 28 days
- Notice in The Lower Hunter Star
- Exhibition material and relevant consultation documents to be made available at all Council Libraries and Council's Administration Building;
- Consultation documents to be made available on Council's website;
- Notices published on Council's social media applications, for public comment.
- Consultation with any relevant committee or reference groups

At the close of the consultation process, Council officers will consider all submissions received and present a report to Council for their endorsement of the planning proposal before proceeding to finalisation of the amendment.

The consultation process, as outlined above, does not prevent any additional consultation measures that may be determined appropriate as part of the Gateway Determination process.

## PART 6: TIMEFRAMES

PROJECT TIMELINE	DATE
Anticipated commencement date (date of Gateway determination)	February 2016
Anticipated timeframe for the completion of required studies	June 2016
Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination) (21 days)	July 2016
Commencement and completion dates for public exhibition period	July 2016
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	October 2016
Timeframe for the consideration of a proposal post exhibition	November
Anticipated date RPA will forward the plan to the department to be made (if not delegated)	December 2016
Anticipated date RPA will make the plan (if delegated)	N/A
Anticipated date RPA will forward to the department for notification (if delegated)	N/A