

9.10 AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN 2011 - REZONING OF GILLIESTON HEIGHTS SOUTHERN PRECINCT

FILE NO:	RZ 14/002
ATTACHMENTS:	1. Draft Planning Proposal
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MAITLAND +10	Outcome 6. Built heritage and sustainable development
COUNCIL OBJECTIVE:	6.1.1 To encourage orderly, feasible and equitable development whilst safeguarding the community's interests, environmentally sensitive areas and residential amenity.

EXECUTIVE SUMMARY

*The purpose of this report is to consider the suitability of preparing a Planning Proposal for the rezoning of land in the Gillieston Heights area. The subject lands are currently zoned RU2 – Rural Landscape and E2 – Environmental Conservation, and form the southern boundary of the Maitland City Council LGA with Cessnock LGA. A locality plan is appended to this report as **Attachments 1 & 2**.*

*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. The Maitland Urban Settlement Strategy 2012 nominates this land as Category 1 Residential and Category 2 Residential. A locality plan of the subject land as identified in the MUSS is appended to this report as **Attachment 3**. Additionally, the Planning Proposal includes lands west of the South Maitland Railway; however there are no changes to the existing RU2 and E2 zones other than minor boundary variations to achieve proposed biodiversity outcomes.*

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 this report 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.

To address infrastructure provision requirements, the planning proposal includes the rezoning of land identified as Category 2 Residential (MUSS). 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 in order to make land available for the provision of key infrastructure, and to allow for the implementation of a comprehensive Section 94 Plan. Rezoning the Category 1 & 2 land as separate exercises at different points in time would frustrate the development of a 94 Plan that delivers the required infrastructure funding base in a timely manner.

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. In accordance with the Department of Planning and Infrastructure Guidelines, and Council's Local Environmental Study Protocol, additional detailed studies will be required following the Gateway determination should Council decide to prepare a local environmental plan for the site.

A desktop review of the Hydro application and supporting information confirm that there is no impediment to progress to Gateway through the submission of a planning proposal to the Department of Planning and Environment, and that further detailed site studies encompassing the full extent of the subject land should be prepared following the issue of a Gateway determination.

OFFICER'S RECOMMENDATION**THAT**

1. The draft Local Environmental Plan (DLEP) for the subject lands be endorsed as rezoning the land for urban purposes, including an extension to the URA boundaries of Gillieston Heights to encompass the subject lands, as detailed in the attached planning proposal.
2. In accordance with Section 55 of the *Environmental Planning and Assessment Act 1979*, the planning proposal be submitted to the NSW Department of Planning and Infrastructure for a gateway determination.
3. If the planning proposal is given a gateway determination to proceed, undertake consultation with the community and relevant government agencies in accordance with Section 57 of the *Environmental Planning and Assessment Act 1979* and the directions of the gateway determination.
4. A further report be presented to Council following the public exhibition process, to demonstrate compliance with the gateway determination and to provide details on any submissions received during the plan-making process.

REPORT

The purpose of this report is to;

1. Provide information to enable Council to determine whether an amendment should be made for the purpose of rezoning lands for urban purposes; and
2. Provide a summary of the planning proposal for the subject site for submission to the Department of Planning and Infrastructure.

Background

The subject land is identified in **Attachments 1 & 2** and includes 28 separate land holdings as detailed in the following table.

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

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 SOUTHERN PRECINCT (Cont.)

Lot	Area	Owner
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

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Lot	Area	Owner
Lot 21 DP1181574	4.9ha	GJ & VA Buxton
Lot 1 DP311179	0.85ha	PA & KM Stoop

The subject land is comprised predominantly of cleared grazing land and scattered native vegetation, with rural lands and the Wentworth Wetlands occupying the subject land west of the South Maitland Rail corridor. Areas of remnant vegetation exist east of the South Maitland Rail corridor, generally occurring in riparian areas and in areas known to contain shallow mine workings.

The subject land can be viewed as containing two distinct regions; land situated west of the South Maitland Rail corridor, and land situated east of the rail corridor. Subject lands situated west of the rail corridor occupy approximately 400ha currently zoned RU2 Rural Landscape and E2 - Environmental Conservation in the Maitland LEP 2011. This portion of the subject land is not proposed to be rezoned for urban purposes.

The subject land situated east of the railway is currently zoned RU2 - Rural Landscape in the Maitland LEP 2011 and is identified in the Lower Hunter Regional Strategy (LHRS) 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. A locality plan of the subject land as identified in the MUSS is appended to this report as **Attachment 3**.

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. The landowner is 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 the planning proposal. A Master Plan of the Hydro Kurri Kurri site is appended to this report as **Attachment 4**.

The remainder of the Hydro Site (approximately 1300 hectares) is located within the Cessnock LGA and is subject to a separate planning proposal with Cessnock City Council to give effect to the Hydro Rezoning Masterplan. Preliminary discussion between the respective planning departments has identified a willingness to investigate the potential of a cross-border Section 94 Plan. This holistic approach presents a logical solution to the difficulties of providing for infrastructure in a piecemeal fashion.

Establishing a Strategic Growth Corridor

The Hydro Kurri Kurri Masterplan outlines the potential development of the Smelter and surrounding buffer land (Hydro Land), showing the full extent of the future development that may result from the proposed rezoning. Key infrastructure components, including the Hunter Expressway and Kurri Kurri Waste Water Treatment Works, have underpinned the potential of the Hydro Site to accommodate urban development.

The portion of the Hydro site situated within the Maitland LGA, falls within the wastewater catchment draining south to the Kurri Kurri Waste Water Treatment Works, underlining the capacity to service the proposed development via an extension of existing infrastructure. Further consultation with Hunter Water will establish the details of the servicing strategy, which has been provided and is expected to be addressed further at the development assessment stage.

Development of the southern precinct of Gillieston Heights will establish a continuity of infrastructure and urban development, linking Hydro's proposed development to Cessnock Road, and establishing a connected growth corridor extending south-west from Gillieston Heights to the Hunter Expressway. It should be noted that the Hunter Expressway will shape the way that the Hunter Region is developed over the coming decades. The Cessnock Road corridor between the Maitland CBD and Kurri Kurri interchange will form the basis of a strategic growth corridor, providing for residential land and population growth in the Lower Hunter Region. The proposed growth corridor will encompass the Gillieston Heights URA, Cliftleigh and the Hydro Kurri Kurri site. The Category 1 & 2 land subject to the planning proposal is centrally located within this future growth corridor. Therefore, planning outcomes for the subject land must be considered within the broader strategic context.

Infrastructure Requirements

The subject land occupies a central location within the proposed growth corridor, justifying the need for a cross-border approach to infrastructure planning that takes into account areas of Hydro's residential catchment outside of the Maitland LGA. The following summary provides an overview of infrastructure currently under consideration:

1. Community infrastructure – in addition to the provision of parks and open space, preliminary investigations indicate that the subject land may require the provision of sporting fields to accommodate the wider residential catchment. It should be noted that the rezoning of the Gillieston Heights URA has, to date, occurred in stages. The rezoning of both Category 1 and 2 lands will enable the formulation of a contributions plan that will deliver improved community infrastructure outcomes.
2. Regional Infrastructure - Due to the scale of development encompassed within the growth corridor, discussions between Maitland and Cessnock Councils

have established the possibility of providing for regional infrastructure. This may include the provision of a community library, a regional community facility and childcare facilities. Greater detail regarding the location and nature of regional infrastructure will be established following further studies.

3. Road infrastructure – The subject land will require the provision of a four-way signalised intersection on Cessnock Rd, located towards the southern extent of the subject land. The proposed intersection will operate as a juncture that links Cessnock Rd to the Hydro residential catchment, and will therefore play a central role in managing traffic flows north towards the Maitland CBD and south towards the Hunter Expressway. Additionally, the intersection will serve to manage traffic flows circulating within the Gillieston Heights URA.

It should be noted that road infrastructure linking the Hydro site to Cessnock Rd would create an alternative access route for Gillieston Heights to the Hunter Expressway and township of Kurri Kurri that is above the 1:100 ARI flood event. This new connection will assist in addressing existing access issues due to the frequent flooding of Tester's Hollow to the south, which contributed to the isolation of Gillieston Heights during the April 2015 flood event.

Further studies will establish in detail the requirements surrounding the provision of infrastructure. This will be made possible once lot yields are accurately defined for both the Maitland LGA and Cessnock LGA.

Infrastructure Funding

The aforementioned infrastructure requirements present significant funding challenges, largely due to Section 94 developer contributions being calculated on a per lot basis. To deliver an adequate funding base for proposed capital works, the Section 94 Plan must encompass sufficient critical mass with regard to lot yield. 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.

The proposed solution to this problem 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.

Cross Border Section 94 Plan

Participating in a cross border section 94 plan provides a number of key benefits. Notably, it allows for a wider, cross-border funding base to contribute to infrastructure provision. Access to a wider funding base is particularly beneficial in this instance, given the concentration of capital works required in what is a relatively small urban area. Additionally, a cross border Section 94 Plan allows for a holistic,

integrated approach to infrastructure planning across the Hydro Kurri Kurri site and across the growth corridor more broadly, leading to better planning and community outcomes. Preliminary discussions between Maitland City Council and Cessnock City Council have indicated broad agreement across these issues, and a strong willingness to collaborate on a joint Section 94 Plan.

Rezoning of Category 1 & 2 Residential (MUSS)

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, and the associated infrastructure provision required, necessitates the inclusion of Category 2 Land in the Planning Proposal.

In summary, the inclusion of Category 2 residential land in the planning proposal and participation in a cross border Section 94 Plan will enable a wider funding base, an integrated planning approach, and ultimately a better community outcome.

Rezoning Proposal

The purpose of the planning proposal is to rezone the subject land for urban purposes, facilitating residential development with associated community, recreational and environmental outcomes. The LEP amendment will also include an amendment to the boundary of the E2 – Environmental Conservation zone situated west of the rail corridor, extending the zone boundary to the western border of Hydro's land holding to achieve proposed biodiversity outcomes.

Additionally, it is proposed that the rezoning of remaining Category 1 and 2 Residential lands in the Gillieston Heights locality will extend the Gillieston Heights Urban Release Area to encompass the remaining developable land in Gillieston Heights. A locality plan showing the extended URA boundaries is appended to the report as **Attachment 5**.

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. The LEP amendment would achieve the following objectives:

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

Environmental Studies

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.

Servicing Strategy

A servicing strategy has been prepared 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.

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.

Biodiversity

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 Gateway determination, addressing subject land east of Cessnock Road.

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.

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.

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.

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

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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 rezoning 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.

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.

Socio and Economic Impact Assessment

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 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.

Consultation with Public Authorities

No formal advice has been sought from government agencies and public authorities in relation to the rezoning of the subject site at this stage. It is anticipated that following the gateway determination, Council will consult with government agencies, public authorities and the surrounding community.

Next Steps

If endorsed by the Council, the planning proposal will be submitted to the Department of Planning for Gateway determination to proceed with the LEP amendment. The gateway determination will either be:

- (i) exhibit the planning proposal, with or without change; or
- (ii) to refuse the planning proposal.

A positive Gateway determination will also make direction regarding the consultation required for the LEP and a timeframe by which the LEP is to be completed.

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The planning proposal will then be exhibited in accordance with the directions of the Gateway determination and the requirements of Section 57 of the Environmental Planning and Assessment Act 1979, including supporting maps. Formal submissions to the planning proposal will be invited and accepted during the exhibited period.

A further report that considers the submissions, any proposed changes to the planning proposal and the possible development of a structure plan will then be presented to the Council.

CONCLUSION

The proposed LEP amendment is a continuation of the coordinated release of land in accordance with Council's adopted strategies together with the support of the Lower Hunter Regional Strategy.

It is considered that the site/development issues raised within the preliminary environmental studies are not an impediment to progressing the rezoning to gateway determination. Further detailed site studies will be undertaken by the proponent, post gateway, detailing specific issues and management outcomes where necessary.

It is therefore recommended to Council that the proposed amendment to the Maitland LEP 2011 be supported and the planning proposal be submitted to the Department of Planning and Infrastructure for their consideration and a gateway determination prior to formal community consultation.

FINANCIAL IMPLICATIONS

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

There are no statutory implications under the Local Government Act 1993 with this matter.