



PLANNING PROPOSAL

Amendment to the

Cessnock Local Environment Plan 2011

“Hydro Kurri Kurri”

**Hart Road Loxford, Cessnock Road Clifftleigh &
Bowditch Avenue Loxford**

Version 2.0

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PART 1: OBJECTIVES and OUTCOMES

The objectives of the Planning Proposal are:

- to rezone certain lands (as described in Appendix 2) consisting of the former Hydro Aluminium Smelter and surrounding buffer land in the Loxford area to permit employment, industrial and residential development;
- to manage the interface between the land-uses;
- to minimise the fragmentation of the residual rural land;
- to preserve Council's defined hierarchy of commercial centres; and
- to respond to the environmental constraints on the site.

PART 2: EXPLANATION of PROVISIONS

The objective of the Planning Proposal will be achieved by amending the *Cessnock Local Environmental Plan 2011*. Maps of the existing zoning and the proposed zoning are included in Part 4 of this Planning Proposal.

The maps proposed to be amended are as follows:

Amendment proposed to Cessnock	Provision
PartLand Use Zone (LZN) Map	<p>Rezoning part of the site from RU2 Rural Landscape and E2 Environmental Conservation to:</p> <p>B1 - Neighbourhood Centre, B5 - Business Development, IN1 - General Industrial, IN3 - Heavy Industrial, R2 - Low Density Residential, RE1 - Public Recreation; and SP2 - Infrastructure.</p>
Lot Size (LSZ) Map	<p>Corresponding changes to the Minimum Lot Size Map to be made:</p> <p>450m² for that area zoned R2 Low Density Residential, and</p> <p>There is no minimum lot size applicable to the following zones:</p> <p>B1 - Neighbourhood Centre, B5 - Business Development, IN1 - General Industrial, IN3 - Heavy Industrial, RE1 - Public Recreation; and SP2 - Infrastructure.</p>

Floorspace Cap – B1 Neighbourhood Centre Zone

A local clause is proposed to introduce a floorspace cap of 2,000m² in relation to the proposed B1 Neighbourhood Centre Zone to ensure that the centre does not perform a role greater than a neighbourhood centre.

Floorspace Cap – B5 Business Development Zone

A local clause is proposed to introduce a floorspace cap of 20,000m² in relation to the proposed B5 Business Development Zone to prevent the precinct developing into a major regional cluster, which would draw significant volumes of trade away from the Cessnock Town Centre (and potentially other centres in the broader region).

Land Reservation Acquisition Map

An acquisition layer will be applied to a portion (inclusive of Lot 1 DP 998275, Lots 16-17 DP 1102156 and Lot 1 DP 937613) of the local heritage item (mapped as inventory No. 212 within Schedule 5 of the Cessnock LEP 2011) known as the former rail corridor for the future construction of a cycleway. Pursuant to Clause 5.1 of the Cessnock LEP, this land will be zoned RE1 Public

Recreation given the land will be reserved for use exclusively for the purposes of open space, a public place or public reserve within the meaning of the *Local Government Act 1993*.

Development Control Plan

An amendment to Cessnock Development Control Plan (DCP), involving the preparation of a site specific chapter, will be prepared by the applicant to Council's satisfaction to address the design, conservation and management measures that will reduce negative impacts related to the proposed development of the Land.

Local Infrastructure Plan

Supporting studies to the Planning Proposal identify the need to upgrade existing infrastructure to support the proposed development. A Section 7.11 contributions plan for local infrastructure will be required to support the proposed development. The Section 7.11 plan will be prepared in consultation with all relevant public authorities and following the completion of the required supporting studies.

PART 3: JUSTIFICATION

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

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

Section A: Need for Proposal

1 *Resulting from a Strategic Study or Report*

The Planning Proposal is a consequence of the land owner's decision to close the Kurri Kurri Aluminium Smelter and opportunities that have arisen to redevelop the site for employment and residential purposes. Hydro has been a long standing economic driver and employer within the community, with the proposed employment land providing long term replacement of job losses that resulted from the closure of the smelter.

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

- infrastructure;
- transport;
- flooding;
- industrial land supply; and
- urban design.

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

The Planning Proposal is consistent with the Hunter Regional Plan 2036, Greater Newcastle Metropolitan Plan 2036 and Cessnock Local Strategic Planning Statement (LSPS), given urban development is encouraged in areas with existing infrastructure. The former Hydro site has access to reticulated services and is ideally situated within the Cessnock to Maitland Growth Area.

The establishment of an industrial precinct with direct access to inter-regional linkages (i.e. the Hunter Expressway and South Maitland Railway in this instance) and employment areas located in proximity of regional centres (i.e. Kurri Kurri) are supported.

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

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

Section B: Relationship to Strategic Planning Framework

3 *Consistency with Objectives and Actions within Regional Strategies*

Hunter Regional Plan 2036

The proposed rezoning is consistent with the Hunter Regional Plan 2036 (HRP), which has a focus on providing the Hunter region with a leading regional economy, a biodiversity-rich natural environment, thriving communities and greater housing choice and jobs. The site is identified on Figure 11 of the HRP as a Gateway determination site (as at early 2016).

The proposal contains employment lands either side of the Hunter Expressway with access to the Expressway via the Hart Road interchange. The location of employment lands in this locations aligns with Direction 4 of the HRP: Enhance inter-regional linkages to support economic growth.

The proposal is consistent with and/or implements the following HRP Actions:

- 4.8 - Enable development that relies on access to the Hunter Expressway interchanges, provided it encourages efficiencies to the inter-regional transport network.
- 4.10 of the HRP requires the preparation of a Hunter Expressway Strategy which is being prepared by the Department. The draft Hunter Expressway Strategy is expected to be exhibited concurrently with this planning proposal and the Department has advised that the planning proposal is consistent with the draft Strategy.

The proposal recognises the process of the Biodiversity Conservation Assessment Report for the land west of Cessnock Road which will enable an assessment of the biodiversity impacts of this land and potential offsets via a large and contiguous stewardship site. This process is being undertaken in a separate but related process to the assessment of this planning proposal. The stewardship site will be a long term biodiversity offsetting outcome that will be established and maintained over time.

The proposal is consistent with and/or implements the following HRP Actions:

- 14.1 - Identify terrestrial and aquatic biodiversity values and protect areas of high environmental value to sustain the lifestyle, economic success and environmental health of the region.
- 18.2 - Deliver connected biodiversity-rich corridors and open space areas for community enjoyment.

The proposal has considered the outcomes of various specialist reports on flooding, bushfire, mine subsidence, and preliminary reports on land contamination. The proposal satisfies a condition to provide a flood free access strategy which has a broader community benefit beyond the development site.

The proposal is consistent with and/or implements the following HRP Actions, noting more work on land contamination is required to assess consistency:

- 16.1 - Manage the risks of climate change and improve the region's resilience to flooding, sea level rise, bushfire, mine subsidence, and land contamination.

- 16.2 - Review and consistently update floodplain risk and coastal zone management plans, particularly where urban growth is being investigated.

The proposal will enable the creation of a recreation corridor (cycleway) linking Maitland and Kurri Kurri through this site. This opportunity is consistent with:

- 18.1 - Facilitate more recreational walking and cycling paths including planning for the Richmond Vale Rail Trail and expanded inter-regional and intra-regional walking and cycling links, including the NSW Coastal Cycleway.

The proposal consists of two distinct residential areas either side of Cessnock Road which will enable greater housing choice, which is a specific aim of the HRP under Goal 4 – Greater housing choice and jobs. The proposal will enable Council to release 1,435 new housing lots. These new housing areas will have access to local community and retail facilities in the existing Gillieston Heights centre.

The proposal is consistent with and/or implements the following HRP Actions:

- 21.2 – Focus development to create compact settlements in locations with established services and infrastructure, including the Maitland Corridor growth area; Newcastle–Lake Macquarie Western Corridor growth area; the emerging growth area around Cooranbong, Morisset and Wyee; and in existing towns and villages and sites identified in an endorsed regional or local strategy.
- 21.4 - Create a well-planned, functional and compact settlement pattern that responds to settlement planning principles and does not encroach on sensitive land uses, including land subject to hazards, on drinking water catchments or on areas with high environmental values.
- 21.6 - Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfield locations.
- 21.7 - Promote new housing opportunities in urban areas to maximise the use of existing infrastructure

The proposal includes consideration of existing infrastructure planning work and consultation with infrastructure providers.

The Planning Proposal demonstrates consistency with:

- 26.1 - Align land use and infrastructure planning to maximise the use and capacity of existing infrastructure and the efficiency of new infrastructure.
- 26.4 - Coordinate the delivery of infrastructure to support the timely and efficient release of land for development, including working with councils and service providers on inter-regional infrastructure and service delivery issues between growing areas.
- 26.5 - Ensure growth is serviced by enabling and supporting infrastructure.

Greater Newcastle Metropolitan Plan 2036

The GNMP sets out strategies and actions that will drive sustainable growth across Greater Newcastle, which includes Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens Council's. The plan also helps to achieve the vision set in the Hunter Regional Plan 2036 – for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart.

The Planning Proposal is consistent with the following strategies of the GNMP.

Strategy 9 – Plan for jobs closer to homes in the Metro frame

The proposal is consistent with this Strategy as it will provide convenient access to jobs for the rapidly expanding surrounding community and Kurri Kurri Strategic Centre.

Strategy 11 – Create more great public spaces where people come together

The planning proposal is consistent with this Strategy as it proposes a centrally located district park with combined open space facilities.

Strategy 12 – Enhance the Blue and Green Grid and the urban tree canopy.

The proposal is consistent with this Strategy as it provides improved access to open space and recognises and appropriately zones the local open space and biodiversity corridors.

Strategy 14 – Improve resilience to natural hazards.

The proposal has considered the outcomes of various specialist reports on flooding, bushfire and mine subsidence. The proposal satisfies a condition to provide a flood free access strategy which has a broader community benefit beyond the development site.

The proposal includes preliminary reports on land contamination, noting more work on land contamination is required to assess consistency with this Strategy and SEPP 55.

Strategy 20 – Integrate land use and transport planning.

The proposal has considered the preliminary outcomes of the MR195 Cessnock Road Corridor Strategy (TfNSW) in the consideration of appropriate zones and other development controls to be considered in an associated Development Control Plan. The proposal also includes opportunities to improve the active transport network consistent with this Strategy.

Strategy 23 – Protect major freight corridors

While the private railway line to the west of Cessnock Road is not a major freight corridor, the DCP includes controls to for noise and vibration to manage amenity and land use conflict issues, in the event the heavy rail line is repurposed for freight or passenger transport in the future.

The proposal includes employment lands adjoining the Hunter Expressway. The development of employment lands in this location is appropriate and consistent with the Hunter Expressway Principles in the GNMP and the draft Hunter Expressway Strategy. The draft Hunter Expressway Strategy is expected to be exhibited concurrently with this planning proposal and the Department has advised that the planning proposal is consistent with the draft Strategy.

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

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

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

A Sustainable and Prosperous Economy

- Objective 2.1 – Diversifying local business options; and
- Objective 2.2 – Achieving more sustainable employment opportunities.

A Sustainable and Healthy Environment

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

Adequate Accessible infrastructure, services and facilities

- Objective 4.1 – Better transport links; and
- Objective 4.2 – Improving the road network.

Cessnock Local Strategic Planning Statement

The LSPS has been developed to guide planning decisions made by Council and set the planning direction for the Local Government Area for the next 20 years.

The LSPS sets out clear planning priorities, principles and actions to accommodate future population growth, support economic development and protect our important environmental and rural landscapes, diverse heritage and unique social assets. The document articulates Council's land-use and economic context in the Lower Hunter Region as a place of residence, visitation and employment.

The recommendations of this Planning Proposal are consistent with the following priorities of the Cessnock Local Strategic Planning Statement.

- Planning Priority 1 – Our urban areas are compact.

The land is located in a growth area, identified in the HRP and LSPS, and has access to existing infrastructure and services. Council will be seeking the inclusion of planning controls to increase housing variety and density around the proposed B1 Neighbourhood Centre. The Planning Proposal will broaden the choice of building types and locations available in the local housing market.

- Planning Priority 5 – infrastructure and services meet the needs of the community and are appropriately funded.

This priority requires infrastructure for new development to be appropriately planned and funded. It is acknowledged that Council's current contribution framework does not accurately reflect the total costs of servicing the development and further work is required to review Council's contribution framework to address this.

An amendment to Council's 7.11 Contributions plan will be required to support the proposed development. The Section 7.11 plan will be amended in consultation with all relevant public authorities and following the completion of the required supporting studies.

- Planning Priority 7 – urban development is encouraged in areas with existing infrastructure.

The land is located in a growth area, identified in the HRP and LSPS, and has access to existing infrastructure and services.

- Planning Priority 13 – industrial land is developed in an orderly manner and meets future development needs.

The proposal is supported by a comprehensive economic study by SGS Economics and Planning. A local clause is proposed to introduce a floorspace cap of 20,000m² in relation to the proposed B5 Business Development Zone to prevent the precinct developing into a major regional cluster, which would draw significant volumes of trade away from the Cessnock Town Centre (and potentially other centres in the broader region).

- Planning Priority 14 – our industrial land fosters economic growth, business diversity, and employment opportunities.

The proposal is consistent with this principal as it will provide convenient access to jobs for the rapidly expanding surrounding community and Kurri Kurri Strategic Centre.

- Planning Priority 15 – key infrastructure is leveraged to support economic growth.

The proposal contains employment lands either side of the HEX with access to the Expressway via the Hart Road interchange. The proposal will provide convenient access to jobs for the rapidly expanding surrounding community and Kurri Kurri Strategic Centre and within a regional growth area.

- Planning Priority 21 – developments minimise environmental impact and respond to environmental characteristics and natural hazards.

The proposal has considered the outcomes of various specialist reports on flooding, bushfire, mine subsidence, and preliminary reports on land contamination. The proposal satisfies a condition to provide a flood free access strategy which has a broader community benefit beyond the development site. The proposal is consistent with this priority, noting that further work on land contamination and bushfire impacts may be required to assess consistency against this priority.

5 Consistency with State Environmental Planning Policies

An assessment of relevant State Environmental Planning Policies against the planning proposal is provided in the table below.

Table 4.1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 19 – Bushland in Urban Areas	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 21 – Caravan Parks	The SEPP provides for development for caravan parks.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 33 - Hazardous & Offensive Development	The SEPP provides considerations for consent for hazardous & offensive development.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP. Council's land use table permits the establishment of Hazardous and Offensive industries in the proposed IN3 Heavy Industrial zone subject to consent. Generous separation buffers are provided to existing and proposed residential precincts in order to mitigate potential impacts on sensitive land uses.
SEPP 36 - Manufactured Homes Estates	The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 47 – Moore Park Showground	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 50 - Canal Estate Development	The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 55 - Remediation of Land	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination	This SEPP no longer applies at the planning proposal stage. See Direction 9.1 – 2.6 Remediation of Contaminated Land, which does apply to planning proposals.
SEPP 64 - Advertising and Signage	The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP 65 - Design Quality of Residential Development	The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.

	advice to councils on the merit of residential flat development.	
SEPP 70 – Affordable Rental Housing (Revised Schemes)	The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Aboriginal Land 2019	The aims of this Policy are to provide for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when assessing development applications.	<i>Not Applicable to LGA</i>
State Environmental Planning Policy (Activation Precincts) 2020	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Affordable Rental Housing 2009	<p>The aims of this Policy are as follows:</p> <ul style="list-style-type: none"> (a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, (c) to facilitate the retention and mitigate the loss of existing affordable rental housing, (d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing, (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing, (f) to support local business centres by providing affordable rental housing for workers close to places of work, (g) to facilitate the development of housing for the homeless and other disadvantaged people who may require 	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.

	support services, including group homes and supportive accommodation.	
SEPP Building Sustainability Index: BASIX 2004	The SEPP provides for the implementation of BASIX throughout the State.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Coastal Management 2018	The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the <i>Coastal Management Act 2016</i> , including the management objectives for each coastal management area.	<i>Not Applicable to LGA</i>
SEPP Concurrences and Consents 2018	The policy aims to prevent delays to applications and resolve disputes between agencies for integrated development.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Educational Establishments and Child Care Facilities 2017	The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Exempt and Complying Development Codes 2008	The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP. The Planning Proposal does not include any specific provisions relating to Exempt and Complying development.
SEPP Gosford City Centre 2018	The SEPP aims to promote the economic and social revitalisation of Gosford City Centre.	<i>Not Applicable to LGA</i>
SEPP Housing for Seniors or People with a Disability 2004	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP Infrastructure 2007	The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of	The proposal considers future development adjacent to rail corridors and main roads. The RMS have considered anticipated traffic-generating development and provide comment on the proposed Hart Road interchange upgrade.

	infrastructure and service facilities.	Council has received confirmation that the Planning Proposal may proceed to public exhibition despite the outstanding objection received.
SEPP Koala Habitat Protection 2019	The SEPP aims to encourage the conservation and management of natural vegetation that provide habitat for koalas to support a permanent free-living population and reverse the current trend of koala population decline.	<p>While the planning proposal does not specifically rezone land to an environmental conservation zone, such as E2 Environmental Conservation, the proposal includes a parallel process of submitting a Biodiversity Conservation Assessment Report (BCAR) under the <i>Biodiversity Conservation Act 2016</i> for the majority of the site under the ownership of Hydro.</p> <p>The BCAR includes details of how the land owner proposes to mitigate against the clearing of land for the purposes of residential and employment lands development. These measures may include creating and maintaining a large stewardship site over much of the adjoining areas of significant conservation land.</p> <p>The details of this process, assessment results and proposed mitigation measures will be included in the associated BCAR.</p> <p>As koalas are identified as a threatened species under the Biodiversity Conservation Act 2016, the BCAR will consider impacts on such biodiversity values.</p>
SEPP Kosciuszko National Park – Alpine Resorts 2007	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Kurnell Peninsula 1989	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Mining, Petroleum Production and Extractive Industries 2007	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	<p>The Planning Proposal does not cover any area known to have existing resources nor is located within vicinity of an established mine, petroleum production facility or extractive industry.</p> <p>It is also noted that agency consultation with the NSW Department of Industry – Resources and Energy is a requirement of gateway and no concerns were raised during public consultation.</p> <p>Nothing in this Planning Proposal affects the aims and provisions of this SEPP.</p>
SEPP Penrith Lakes Scheme 1989	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Primary Production and Rural Development 2019	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts, protect State significant agricultural land and provides development principles.	<p>A site assessment has identified that there is no regionally significant agricultural land comprised in the site, and only a small part of the Hydro Land could be considered as suitable for agriculture.</p> <p>This land is classified 3, 4, and 5 by the former NSW Department of Agriculture. Under these classifications the land is suitable for “cropping but not continuous cultivation” (3), “grazing but not cultivation” (4) or “not suitable for agriculture or only light grazing” (5), respectively.</p> <p>This area includes the grazing land and poultry sheds that have historically been located within the Hydro Land as part of the ‘Wangara’ landholding and while not significant</p>

		agricultural land; will provide scenic amenity value as identified within the Hunter Regional Plan and Local Strategic Planning Statement.
SEPP State and Regional Development 2011	The SEPP aims to identify development and infrastructure that is State significant and confer functions on the Joint Regional Planning Panels (JRPPs) to determine development applications.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
SEPP (Major Infrastructure Corridors) 2020	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP State Significant Precincts 2005	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Sydney Drinking Water 2011	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Sydney Region Growth Centres 2006	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Three Ports 2013	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Urban Renewal 2010	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Vegetation in Non-Rural Areas 2017	The SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State.	Nothing in this Planning Proposal affects the aims and provisions of this SEPP.
State Environmental Planning Policy (Western Sydney Aerotropolis) 2020	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Western Sydney Employment Area 2009	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Western Sydney Parklands 2009	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>

6 Consistency with Section 9.1 Ministerial Directions for Local Plan Making

An assessment of the Planning Proposal against the relevant Section 9.1 Directions is provided in the table below.

Table 4.2: Relevant Section 9.1 Ministerial Directions

Ministerial Direction	Objective of Direction	Consistency and Implication
1. EMPLOYMENT AND RESOURCES		
1. Business and Industrial Zones	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. 	<p>The proposal is consistent with this Direction. Consistency is supported by the assessment against Section 9.1 Direction 3.4 (Integrating Land Use and Transport) and the HEX Principles, outlined in the GNMP. DPIE has also advised that the proposal is consistent with the forthcoming Draft Hunter Expressway Corridor Strategy.</p> <p>The Planning Proposal does not affect existing business or industrial zones. It will increase the population catchment of the Kurri Kurri town centre and will increase the viability of the neighbourhood retail. The proposal will also provide for new industrial-zoned areas and is located in an area previously used for industrial purposes.</p> <p>The Planning Proposal will support the regional centre of Cessnock and town centre of Kurri Kurri with economic growth from employment and housing. The provision of a small neighbourhood centre, for convenience goods and local services, will not undermine the overall centre hierarchy within the Strategy. The local neighbourhood centre was considered in the SGS study and is consistent with the objectives of this Direction.</p> <p>An economic land study (Hydro Planning Proposal B1 and B7 Economic Assessment Review dated June 2017) has been prepared by SGS, which indicates the site is strategically located and could be attractive to footloose, regionally focussed businesses not accounted for in the demand and supply analysis undertaken for the SGS employment lands study which focussed more on identified future LGA based economic activity and employment. If the site attracted these uses the flow on impacts for centres in Cessnock (and Maitland) are likely to be positive, albeit unquantifiable at this stage.</p> <p>The SGS study provides information on the impact of the employment land on the existing centres of Kurri Kurri and Weston. The study recommends that:</p> <ul style="list-style-type: none"> • <i>Council consider should consider a floorspace cap of 20,000sqm for bulky goods retail to prevent the precinct from developing into a major regional cluster which would draw significant volumes of trade away from Cessnock Town Centre (and potentially other centres in the broader region).</i> • <i>A bulky goods retail cluster of a sub-regional scale is supported for this location.</i>

Ministerial Direction	Objective of Direction	Consistency and Implication
		<ul style="list-style-type: none"> <i>There is sufficient industrial, B4 and B7 zoned land elsewhere in the Cessnock LGA to accommodate projected future demand for other service industry and businesses. However, the site is strategically located and could be attractive to footloose, regionally focussed businesses not accounted for in the demand and supply analysis</i> <p>The inclusion of a floorspace cap of 20,000sqm is supported as it will ensure the ongoing viability of the proposed B5 land, together with other existing centres in the LGA.</p> <p>The local neighbourhood centre proposed in the residential area was also part of the SGS study and is consistent with the objectives of this Direction.</p>
2. Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	<p>The Planning Proposal seeks to rezone land from a rural zone to industrial, employment and residential zones.</p> <p>While the proposal is inconsistent with this Direction, the inconsistency is justified, as the proposal to rezone the land for urban purposes is identified in the GNMP and Cessnock LSPS. The land is also within an identified 'growth area' in the HRP.</p> <p>In addition, the site is not identified as having high agricultural production value. The land is classified 3, 4, and 5 by the former NSW Department of Agriculture, now the NSW Department of Primary Industries - Agriculture.</p> <p>Under these classifications the land is suitable for "cropping but not continuous cultivation" (3), "grazing but not cultivation" (4) or "not suitable for agriculture or only light grazing" (5), respectively.</p> <p>The former Hydro facility was also established on rural land, whereby the proposed industrial zoning is more reflective of the existing infrastructure (water supply pipelines and electricity transmission lines) and contaminated state of the site.</p> <p>The Planning Proposal seeks confirmation from the Director-General (or delegate) that inconsistency with this direction is justified and of minor significance.</p>
3. Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	<p>The residential and employment zonings would have the effect of prohibiting the mining of coal and other minerals, production of petroleum and winning/obtaining of extractive materials from the site.</p> <p>The Planning Proposal does not cover any area known to have existing resources.</p> <p>Notwithstanding, the Planning Proposal has been referred to NSW Department of Industries – Resources and Energy as part of the authority consultation process.</p>

Ministerial Direction	Objective of Direction	Consistency and Implication
		The Department of Industries – Resources and Energy have not raised any concerns in relation to sterilisation of resources, and the land is not within a mining lease.
4. Oyster Aquaculture	<p>The objectives of this direction are:</p> <p>(a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal,</p> <p>(b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</p>	<p>Not Applicable to the LGA.</p> <p>The Cessnock LGA does not contain any Priority Oyster Aquaculture Areas.</p>
5. Rural lands	<p>The objectives of this direction are to:</p> <p>(a) protect the agricultural production value of rural land,</p> <p>(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,</p> <p>(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,</p> <p>(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,</p> <p>(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land</p> <p>(f) support the delivery of the actions outlined in the New South Wales Right to Farm Policy.</p>	<p>The Planning Proposal seeks to rezone land from a rural zone to industrial, employment and residential zones. The proposal will also reduce the minimum lot size of the land.</p> <p>While the proposal is inconsistent with this Direction, the inconsistency is justified in accordance with Clause 4 of the Direction, as:</p> <p>(a) the proposal is identified in the GNMP and Cessnock LSPS. The land is also identified within a 'growth area' in the HRP.</p> <p>(b) the site is not identified as having high agricultural production value. The land is classified 3, 4, and 5 by the former NSW Department of Agriculture, now the NSW Department of Primary Industries - Agriculture. Under these classifications the land is suitable for "cropping but not continuous cultivation" (3), "grazing but not cultivation" (4) or "not suitable for agriculture or only light grazing" (5), respectively.</p> <p>(c) The proposal will be supported by a BCAR and lands of significant environmental or heritage value will be protected through this process.</p> <p>(d) – (g) The land is within an identified 'growth area' in the HRP.</p> <p>The land is not identified as having high agricultural production value. The land is classified 3, 4, and 5 by the former NSW Department of Agriculture, now the NSW Department of Primary Industries - Agriculture.</p> <p>Under these classifications the land is suitable for "cropping but not continuous cultivation" (3), "grazing but not cultivation" (4) or "not suitable for agriculture or only light grazing" (5), respectively.</p>

Ministerial Direction	Objective of Direction	Consistency and Implication
		<p>(h) The site is not mapped as State significant agricultural land</p> <p>(i) The social and economic benefits of the proposal are outlined in Section 9 of the Planning proposal.</p> <p>This Planning Proposal seeks confirmation from the Director-General (or delegate) that any inconsistency with this direction is justified and of minor significance for the reasons set out above.</p>
<p>2. ENVIRONMENT AND HERITAGE</p>		
<p>1. Environmental Protection Zones</p>	<p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	<p>While the planning proposal does not specifically rezone land to an environmental conservation zone, such as E2 Environmental Conservation, the proposal includes a parallel process of submitting a Biodiversity Conservation Assessment Report (BCAR) under the Biodiversity Conservation Act 2016 for the majority of the site under the ownership of Hydro.</p> <p>The draft BCR aims to secure 800 hectares of land for a Biodiversity Stewardship Site, located adjacent to the development footprint</p> <p>The BCAR includes details of how the land owner proposes to mitigate against the clearing of land for the purposes of residential and employment lands development. These measures may include creating and maintaining a large stewardship site over much of the adjoining areas of significant conservation land.</p> <p>The details of this process, assessment results and proposed mitigation measures will be included in the associated BCAR.</p>
<p>2. Coastal Protection</p>	<p>The objective of this direction is to implement the principles in the NSW Coastal Policy.</p>	<p>Not Applicable to the LGA</p>
<p>3. Heritage Conservation</p>	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>This Planning Proposal is consistent with this Direction as the provisions of the Cessnock LEP and relevant Sections of the National Parks and Wildlife Act 1974 both serve to adequately protect the heritage significance of heritage items / places.</p> <p>An Aboriginal Cultural Heritage Assessment has been submitted with the Planning Proposal (AECOM, 12 December 2014) and raises no objection to rezoning the land to residential, provided further assessment is undertaken at development stage. As the circumstances have not changed in respect to the investigation footprint, the study remains relevant for the purposes of rezoning.</p> <p>It is noted that further consultation with Heritage NSW and local Aboriginal Groups will be required post exhibition in order to inform the DCP.</p> <p>The site contains an item of local heritage significance, known as the South Maitland Railway System (Item 212).</p>

Ministerial Direction	Objective of Direction	Consistency and Implication
		<p>The proposed subdivision pattern would result in the loss and fragmentation of the former railway corridor and retention is considered essential to retain its continuity and significance.</p> <p>Council has informed the proponent to revise the subdivision layout between the 'Residential Central' and 'Residential Northern' precinct to incorporate the rail corridor, allowing for the continued interpretation of the rail corridor and its alignment. An amended masterplan will therefore be considered in the draft DCP, however, will have no significant implications on the rezoning outcome.</p>
4. Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	This Planning Proposal does not seek to enable land to be developed for the purpose of a recreation vehicle area within the meaning of the Recreation Vehicles Act 1983.
5. E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	The objective of this direction is to ensure that a balanced and consistent approach is taken when applying environmental protection zones and overlays to land on the NSW Far North Coast.	Not Applicable to the LGA.
6. Remediation of Contaminated Land	The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.	<p>Areas of the site to be used for urban purposes are located close to the former Aluminium Smelter site. Some residual contamination may be present as a result of the activities of the smelter, thus in accordance with Clause 5 of the Direction, a Stage 1 – Preliminary Investigation consistent with the 'Managing Land Contamination Planning Guidelines' is necessary.</p> <p>Council has requested site audit statements and reports prepared by an EPA accreditator auditor to verify that the land is suitable for its intended use following remediation.</p>
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
1. Residential Zones	<p>The objectives of this direction are:</p> <p>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) to minimise the impact of residential development</p>	<p>The Planning Proposal seeks to rezone part of the site to residential.</p> <p>Council will be seeking the inclusion of planning controls to increase housing variety/density around the proposed B1 Neighbourhood Centre.</p> <p>It is expected that this Planning Proposal will broaden the choice of building types and locations available in the local housing market.</p> <p>This Planning Proposal submitted a range of environmental assessments, including a water servicing strategy and sewer servicing strategy to understand existing capacity and to ensure that the site is able to be serviced. Further a traffic and transport study has assessed potential impacts upon the existing traffic network.</p>

Ministerial Direction	Objective of Direction	Consistency and Implication
	on the environment and resource lands.	This Planning Proposal is considered to be consistent with this direction.
2. Caravan parks and Manufactured Home Estates	The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	This Planning Proposal is not for the purposes of identifying suitable zones, locations or provisions for caravan parks or manufactured home estates.
3. Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	It is proposed that the R2 - Low Density Residential Zone will permit home occupations without consent.
4. Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	<p>The Planning Proposal includes areas of local business to service the new population and also a large employment land release with interchange access to the HEX. This Direction requires the proposal to give effect to and be consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p> <p><u>Improving Transport Choice – Guidelines for planning and development</u></p> <p>The proposal is consistent, or potentially consistent, with the accessible development principles of the guidelines, subject to the finalisation of a site specific DCP for the land. Refer to the assessment against the guidelines in Table 4.3, below.</p> <p><u>The Right Place for Business and Services – Planning Policy</u></p> <p>The planning proposal is generally consistent with the policy as the employment lands are located on a major transport route, being well located for the service catchment. The proposal will establish Cessnock’s second bulky goods retail cluster, Cessnock being the first (24ha in a B7 zone).</p> <p>The guidelines require that bulky goods proposals consider:</p> <ul style="list-style-type: none"> • The economic and social impact on existing and planned centres • The demand for the amount of floor space for trading bulky goods and the potential impact any oversupply would have on existing centres • The degree and potential of short and long term accessibility by public transport • The effect on the demand for travel and impact of increased traffic to the arterial road network

Ministerial Direction	Objective of Direction	Consistency and Implication
		<ul style="list-style-type: none"> Where industrial areas are proposed to be used, the operational and access needs of existing and future industry and the impact on property prices for industrial development <p>The Planning Proposal will support the regional centre of Cessnock and town centre of Kurri Kurri with economic growth from employment and housing. The provision of a small neighbourhood centre, for convenience goods and local services, will not undermine the overall centre hierarchy within the Strategy. The local neighbourhood centre was considered in the SGS study and is consistent with the objectives of this Direction.</p> <p>An economic land study (Hydro Planning Proposal B1 and B7 Economic Assessment Review dated June 2017) has been prepared by SGS, which indicates the site is strategically located and could be attractive to footloose, regionally focussed businesses not accounted for in the demand and supply analysis undertaken for the SGS employment lands study which focussed more on identified future LGA based economic activity and employment. If the site attracted these uses the flow on impacts for centres in Cessnock (and Maitland) are likely to be positive, albeit unquantifiable at this stage.</p> <p>The SGS study provides information on the impact of the employment land on the existing centres of Kurri Kurri and Weston. The study recommends that:</p> <ul style="list-style-type: none"> <i>Council consider should consider a floorspace cap of 20,000sqm for bulky goods retail to prevent the precinct from developing into a major regional cluster which would draw significant volumes of trade away from Cessnock Town Centre (and potentially other centres in the broader region).</i> <i>A bulky goods retail cluster of a sub-regional scale is supported for this location.</i> <i>There is sufficient industrial, B4 and B7 zoned land elsewhere in the Cessnock LGA to accommodate projected future demand for other service industry and businesses. However, the site is strategically located and could be attractive to footloose, regionally focussed businesses not accounted for in the demand and supply analysis</i> <p>The inclusion of a floorspace cap of 20,000sqm is supported as it will ensure the ongoing viability of the proposed B5 land, together with other existing centres in the LGA.</p> <p>The local neighbourhood centre proposed in the residential area was also part of the SGS study and is consistent with the objectives of this Direction.</p>
5. Development Near Licensed Aerodromes	The objectives of this direction are:	This Planning Proposal does not seek to create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.

Ministerial Direction	Objective of Direction	Consistency and Implication
	<p>(a) to ensure the effective and safe operation of aerodromes, and</p> <p>(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and</p> <p>(c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>	
<p>6. Shooting Ranges</p>	<p>The objectives are:</p> <p>(a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</p> <p>(b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</p> <p>(c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.</p>	<p>This Planning Proposal does not seek to create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.</p>
<p>7. Reduction in non-hosted short term rental accommodation period</p>	<p>Mitigate significant impacts of short-term rental accommodation where non-hosted short-term rental accommodation period are to be reduced.</p>	<p>Not Applicable to the LGA.</p>
<p>4. HAZARD AND RISK</p>		
<p>1. Acid Sulfate Soils</p>	<p>The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils</p>	<p>The proposal is consistent with the provisions of this Direction.</p>

Ministerial Direction	Objective of Direction	Consistency and Implication
2. Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	The proposal is consistent with this Direction. Consultation with Subsidence Advisory NSW has been undertaken and no concerns were raised as the land is not identified within a mine subsidence district, undermined or within a mining lease.
3. Flood Prone Land	The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	The proposal is consistent with this Direction. Further consultation with DPIE (Flooding) during the public exhibition period will be undertaken to confirm consistency. The planning proposal has predominately been designed to avoid the 1% AEP event with some minor flood prone areas nominated within the central residential precinct (including the community recreational land and pockets near the South Maitland Railway. A detailed assessment has been undertaken to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. This study indicates the site has flood free road and rail access and that the land can be developed without adversely affecting surrounding properties, and not expose life or property on the subject land to excessive flood risk.
4. Planning for Bushfire Protection	The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	This Planning Proposal is considered to be consistent with this direction. Given the planning proposal predates current standards, the proponent has been informed that a revised bushfire report prepared in accordance with the Planning for Bushfire Protection (PBP) 2019 is required. The proponent is required to submit a revised bushfire report once local traffic matters have been resolved.
5. REGIONAL PLANNING		
1. Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes, and actions contained in regional strategies.	The Planning Proposal is consistent with the Hunter Regional Plan and the Greater Newcastle Metropolitan Plan and implements aspects of these Strategies
2. Sydney Drinking Water Catchment	The objective of this Direction is to protect water quality in the Sydney drinking water catchment.	Not Applicable to LGA
3. Farmland of State and Regional Significance on the NSW Far North Coast	The objectives of this direction are: (a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre,	Not Applicable to LGA

Ministerial Direction	Objective of Direction	Consistency and Implication
	<p>(b) to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and</p> <p>(c) to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.</p>	
<p>4. Commercial and Retail Development along the Pacific Highway, North Coast</p>	<p>The objectives for managing commercial and retail development along the Pacific Highway are:</p> <p>(a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route;</p> <p>(b) to prevent inappropriate development fronting the highway</p> <p>(c) to protect public expenditure invested in the Pacific Highway,</p> <p>(d) to protect and improve highway safety and highway efficiency,</p> <p>(e) to provide for the food, vehicle service and rest needs of travellers on the highway, and</p> <p>(f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</p>	<p>Not Applicable to LGA</p>
<p>5. Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</p>	<p>(Revoked 18 June 2010)</p>	<p>No longer Applicable</p>
<p>6. Sydney to Canberra Corridor</p>	<p>(Revoked 10 July 2008. See amended Direction 5.1)</p>	<p>Not Applicable to LGA</p>
<p>7. Central Coast</p>	<p>(Revoked 10 July 2008. See amended Direction 5.1)</p>	<p>Not Applicable to LGA</p>
<p>8. Second Sydney Airport: Badgerys Creek</p>	<p>The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</p>	<p>Not Applicable to LGA</p>

Ministerial Direction	Objective of Direction	Consistency and Implication
9. North West Rail Link Corridor Strategy	The objectives of this direction are to: (a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL) (b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.	Not Applicable to LGA
10. Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	The Planning Proposal is consistent with the Hunter Regional Plan and the Greater Newcastle Metropolitan Plan and implements aspects of these Strategies.
11. Development of Aboriginal Land Council	The objective of this direction is to provide for the consideration of development delivery plans prepared under State Environmental Planning Policy (Aboriginal Land) 2019 when planning proposals are prepared by a planning proposal authority.	Not Applicable to LGA. There is no land within The Cessnock LGA that is identified on the Land Application Map of SEPP (Aboriginal Land) 2019.
6. LOCAL PLAN MAKING		
1. Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	This Planning Proposal is considered to be consistent with this direction. This Planning Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a minister or public authority and does not identify development as designated development.
2. Reserving Land for Public Purposes	The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	This Direction includes a provision that: <i>'A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).'</i> The proposal includes a five (5) hectare area of land, which is to be zoned RE1 Public Recreation. It is anticipated the land will contain a multi-functional regional open space facility. The need for the land is outlined in Council's Open Space and Recreation Plan. Council has sought to enter into a Memorandum of Understanding (MoU) with the land owner to provide an

Ministerial Direction	Objective of Direction	Consistency and Implication
		<p>additional 5 hectares of land for the purpose of this regional open space facility. The MoU will outline that the provision of an additional five (5) hectares of land is subject to Council identifying a funding source.</p> <p>A linear recreation corridor for the purpose of a regional cycleway link is also proposed along the former rail corridor.</p>
3. Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	<p>This Planning Proposal is considered to be consistent with this direction.</p> <p>The proposal does not intend to amend the Cessnock LEP in order to allow a particular development proposal to be carried out. The Planning Proposal does not refer to drawings for any such development.</p>
7. Metropolitan Planning		
1. Implementation of A Plan for Growing Sydney	The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.	Not Applicable to LGA

Table 4.3: Improving Transport Choice – Guidelines for planning and development

Principle	Summary	Comment on Consistency
<u>Principle 1.</u> Concentrate in centres	Develop concentrated centres containing the highest appropriate densities of housing, employment, services and public facilities within an acceptable walking distance — 400 to 1000 metres — of major public transport nodes, such as railway stations and high frequency bus routes with at least a 15 minute frequency at peak times.	The proposal is consistent principles 1 to 4 of the guidelines. Opportunities for medium density housing will continue to be encouraged in and immediately surrounding the Kurri Kurri and Weston centres, which have good access to existing services; noting that public transport options in the wider Kurri Kurri District are limited to busses.
<u>Principle 2.</u> Mix uses in centres	Encourage a mix of housing, employment, services, public facilities and other compatible land-uses, in accessible centres.	The size and activity within the existing centres is proportional to their regional context and the provision of public transport. Opportunities for higher density housing types will also be provided in the area immediately surrounding the proposed B1 Local centre within the planning proposal site.
<u>Principle 3.</u> Align centres within corridors	Concentrate high density, mixed use, accessible centres along major public transport corridors within urban areas.	The proposed employment lands (bulky goods) will be located between 2.5 and 4km from the existing Kurri Kurri and Weston centres. The employment land has immediate access to these existing centres and the HEX.
<u>Principle 4.</u> Link public transport with land use strategies	Plan and implement public transport infrastructure and services in conjunction with land use strategies to maximise access along corridors, and to and from centres.	
<u>Principle 5.</u> Connect streets	Provide street networks with multiple and direct connections to public transport services and efficient access for buses.	The proposal is potentially consistent with these principles (5 to 10), subject to the finalisation of a site specific DCP for the land. Concept plans for the land demonstrate that it can be developed with a high degree of internal connectivity. Therefore, the proposal is considered to be consistent with the aims, objectives and principles of improving access to housing, jobs and services by walking, cycling and public transport.
<u>Principle 6.</u> Improve pedestrian access	Provide walkable environments and give greater priority to access for pedestrians, including access for people with disabilities.	
<u>Principle 7.</u> Improve cycle access	Maximise cyclists' accessibility to centres, services, facilities and employment locations.	The provision of car parking will be consistent with the requirements of Council's existing DCP, unless otherwise stated in the forthcoming site specific DCP for the land.
<u>Principle 8.</u> Manage parking supply	Use the location, supply and availability of parking to discourage car use.	Specific urban design objectives and controls will be considered in the site specific DCP for the land, including: traffic calming, road layout, building orientation, setbacks, streetscape and access to public transport.
<u>Principle 9.</u> Improve road management	Improve transport choice and promote an integrated transport approach by managing road traffic flow and priority of transport modes.	
<u>Principle 10.</u> Implement good urban design	Design with an emphasis on the needs of pedestrians, cyclists and public transport users.	

Section C: Environmental, Social and Economic Impact

7 *Impact on Threatened Species*

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

While the planning proposal does not specifically rezone land to an environmental conservation zone, such as E2 Environmental Conservation, the proposal includes a parallel process of submitting a Biodiversity Conservation Assessment Report (BCAR) under the *Biodiversity Conservation Act 2016* for the majority of the site under the ownership of Hydro.

The BCAR includes details of how the land owner proposes to mitigate against the clearing of land for the purposes of residential and employment lands development. These measures may include creating and maintaining a large stewardship site over much of the adjoining areas of significant conservation land.

The details of this process, assessment results and proposed mitigation measures will be included in the associated BCAR.

8 *Environmental Impact*

The Planning Proposal has assessed a range of environmental constraints to determine appropriate future land uses, with these reports forming part of the rezoning application as follows:

- Aboriginal Cultural Heritage Assessment;
- Stormwater Impact Assessment;
- Servicing Strategy;
- Agricultural Land Suitability and Capability Study;
- Flood Study;
- Geotechnical Assessment;
- Heritage Impact Assessment;
- Contamination Assessment Report;
- Economic Assessment Report;
- Noise and Vibration Impact Assessment; and
- Traffic and Transport Study.

Council has identified several matters that need to be clarified by the proponent in order to address outstanding environmental impacts and the conditions of gateway determination. The following table summarises the current status of these matters requiring further consideration:

Table 8.1: Environmental Considerations

Environmental Consideration	Status
Traffic	<p>Council will continue to be part of the Main Road corridor working group and meet with the Department and RMS regarding traffic matters.</p> <p>The RMS will consider the suitability of the Hart Road interchange upgrade and outcomes of the Main Road Corridor Strategy and how this relates to the planning proposal.</p> <p>Following the results of the RMS corridor study, Council will be in a position to address impacts on existing local roads.</p>

Contamination	Site audit statements and reports prepared by an EPA accredited auditor are currently being prepared and the proponent intends to lodge them to Council once completed.
Biodiversity	<p>The applicant intends to lodge an application seeking bio-certification (pursuant to Part 9 of the Biodiversity Conservation Act 2016) of the development footprint. Council will be provided an opportunity to comment on the proposal once it is formally lodged with BCD.</p> <p>Council is not in a position to determine the planning proposal until such time that The Minister of Environment has conferred the biodiversity certification application and issued an order by way of gazettal.</p>
Residential Density	Planning controls (in lieu of providing R3 zoning) are to be implemented around the neighbourhood centre to achieve higher residential density and housing diversity.
Acoustic Impacts	The recommendations of the submitted Noise Impact Assessment to address acoustic impacts from the South Maitland Railway and HEX will be implemented as controls in the DCP.
Economic	The planning proposal incorporates the recommendations of the SGS Economics & Planning B1 and B7 Economic Assessment Review dated December 2016.
Flooding	The planning proposal has predominately been designed to avoid the 1% AEP event with some minor flood prone areas nominated within the central residential precinct (including the community recreational land and pockets near the South Maitland Railway).
Bushfire	<p>Given the planning proposal predates current standards, the proponent has been informed that a revised bushfire report prepared in accordance with the Planning for Bushfire Protection (PBP) 2019 is required (further reiterated by RFS during agency consultation).</p> <p>The proponent is required to submit a revised bushfire report once local traffic matters have been resolved.</p>

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

9 Social and Economic Impacts

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

- Ongoing jobs expansion of approximately 6,900 jobs, with 3,840 blue collar jobs and 3,060 white collar jobs (full-time, part-time and casual direct jobs)
- 13,160 direct construction jobs and 20,710 indirect supplier jobs, for a total construction phase employment benefit of 33,870 jobs (full-time, part-time and casual jobs)

- Expansion of ongoing jobs will result in an additional \$448.6 million worker income per annum
- The expansion in population from the delivery of new housing and subsequent population growth is expected to expand local retail spend by \$58.4 million at full development

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

Identified benefits of the proposal for the local community include:

- Enabling the provision of new housing stock (an anticipated lot yield of 1435 is proposed) in a range of sizes, styles and price points, which will directly contribute to the NSW Government target for new housing, as well as State Government and Council policies for new housing
- A subdivision layout that extends, consolidates and links into, existing communities rather than creating new, stand-alone, isolated residential areas
- Provision of new community infrastructure and open space which will support an active community and encourage healthy lifestyles
- The potential for much needed local employment opportunities and economic growth through the inclusion of areas zoned as Business Park, General Industry and Heavy Industry, and through the subsequent construction of the proposed developments
- Planning will support a community with a unique sense of place
- Permeability between these new communities and surrounding areas
- A Site layout that will be accessible to people of all ages and abilities and a range of income groups
- Road layout that will be accessible for buses
- Design principles that support creation of a socially sustainable community

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

The economic study undertaken in accordance with the proposal indicates the employment zone and is well suited to this strategic location on the Hunter Expressway. As discussed above, the applicant will be required to implement some development controls to ensure the business zones do not draw significant volumes of trade away from established centres.

In order to ensure that the B1 zone does not perform a role greater than a neighbourhood centre, a retail floorspace cap of 2,000m² (which is the general maximum size of a walkable centre before it becomes more of a supermarket anchored centre) is to be implemented as per the recommendations of the supporting economic study.

Overall, the strategic location of the B7 zone (which will inevitably become a B5 zone to reflect the Standard LEP instrument) will attract regionally focussed businesses previously not considered in the in the demand and supply analysis for employment lands. If the site attracted such uses, the flow on impacts for centres in Cessnock (and Maitland) are likely to be positive, albeit unquantifiable at this stage.

Section D: State and Commonwealth Interests

10 *Adequate Public Infrastructure*

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

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

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

Traffic generation

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

Whilst it is acknowledged that the report was prepared in 2015, the modelling incorporated a 2% background traffic growth rate which is a reasonable assumption. Furthermore, the planning proposal is subject to the requirements of gateway which involves the findings of a higher level Main Road (MR) 195 Corridor Strategy.

The Planning Proposal involves upgrading the Hart Road access from a half to full interchange. As works are proposed to the Hunter Expressway, the RMS are required to consent to the design of the western ramps.

It is noted that Council will further assess the impacts on existing local roads once adopted traffic rates have been finalised from the MR 195 Corridor Strategy.

11 Consultation with State and Commonwealth Authorities

Consultation with the required public authorities, as prescribed by Condition 3 of the Gateway determination, occurred between 24 February and 16 March 2020.

Given Council will be seeking a new Gateway determination, it is anticipated that the Department will determine whether external agencies need to be re-consulted pursuant to Section 3.34(2)(d) of the *Environmental Planning and Assessment Act 1979*.

A response to the feedback received from agency consultation is summarised as follows:

Table 11.1: Summary of Agency Consultation

Agency	Response	Officer's Comments
Biodiversity Conservation Division	Will not provide comment on the Planning Proposal until the BCAR is submitted for assessment.	<p>The proponent intends to lodge a BCAR with BCD, whereby Council will be afforded an opportunity to comment as part of this legislative process.</p> <p>Furthermore, BCD will be provided another opportunity to comment during the second round of agency consultation.</p>
DPI Minerals and Resources	No issues unless buffer lands (indicated for bio-certification) are considered in the PP	<p>No objections raised.</p> <p>Note: It is understood that the proponent intends to lodge a Biodiversity Stewardship Site Assessment Report, however this will be independent of the PP.</p> <p>DPI Minerals and Resources will need to directly liaise with the Biodiversity Conservation Trust (BCT) in respect to potential conflict between resources and proposed conservation agreements.</p>
TAFE NSW	No formal response provided.	<p>No response received.</p> <p>Notwithstanding, TAFE verbally indicated that the PP is beneficial to the existing campus. This was on the basis that an upgraded connection to McLeod Road would provide alternate access to the educational establishment in the event of a bushfire</p>
DPI Agriculture	<p><u>Crown Lands</u></p> <p>Assess whether public road access is required to service present and future access needs or whether roads can be closed and replaced with a private right of carriageway where access is required.</p> <p><u>NRAR</u></p> <p>No formal response provided. Works on waterfront land are to</p>	<p>Noted. Road access and potential transfer of Crown roads will be considered during the assessment of future development.</p> <p>Noted. Future development on waterfront land requires a controlled activity approval.</p>

	be conducted in accordance with NRAR's Guidelines for Controlled Activities on Waterfront Land. Any extraction of groundwater or surface water must be licensed under the Water Management Act 2000	
NSW SES	No formal response provided.	No response received. Notwithstanding, it is anticipated that the organisation would not have any concerns given immune access, for a 1% AEP flood event, will be provided for the residents of Gillieston Heights (currently 20% AEP or 5% following construction of the recently announced upgrade of Cessnock Road at Testers Hallow planned by TfNSW).
Maitland City Council	No objections raised.	No objections raised.
South Maitland Railway	<ul style="list-style-type: none"> A comprehensive Noise and Vibration Assessment shall be completed Security fencing along the full length of the rail corridor Development must not compromise or diminish the ability to utilise the rail corridor Revised Historic Heritage Assessment and Statement of Heritage Impact. Sensitive design along heritage item SMR's rail corridors as asset protection zones are not supported unless a separate agreement is reached with the developer. 	<p>The submitted Noise and Vibration Assessment is considered to be acceptable based on the existing rail and road environment and likely future intensification of the railway (noting there are currently no known arrangements to increase capacity of this line).</p> <p>The recommendations in the acoustic report will be appropriately addressed in the DCP.</p> <p>Territorial ownership through the implementation of boundary fencing will be addressed in the DCP.</p> <p>The Proposal does not interfere with the operations of the South Maitland Railway.</p> <p>The delivery of flood immunity access through the northern portion of the site was deemed critical as it is a requirement of gateway. Given that the provision of vehicular access would truncate the disused rail spur, the corridor is unable to be preserved in its entirety.</p> <p>Council's Heritage Officer acknowledges this requisite and has requested that a Heritage Interpretation Strategy be considered as part of the DCP.</p> <p>An acquisition layer will be imposed on the remainder of the corridor to support the adaptive reuse of the railway for the purposes of a cycleway.</p> <p>Controls will be implemented to acknowledge sensitive urban design requirements for development within proximity to the heritage item.</p>

	<ul style="list-style-type: none"> Wangara Bridge considerations 	<p>Agreed. APZ's are not supported on adjoining land. The proponent has been informed to address this when revising their bushfire report.</p> <p>Access concerns relating to Wangara Bridge are only relevant to MCC's PP</p>
NSW Rural Fire Service	<ul style="list-style-type: none"> A revised report prepared in accordance with the current Planning for Bush Fire Protection 2019 is required. Revised plans which nominate the provision of perimeter roads around both the proposed residential and industrial areas are requested. Dead end roads are not to be greater than 200 metres in length for any proposed roadway in the residential or industrial areas Secondary access points are to be provided for the proposed residential areas to the existing roadways The proposed business park access is not considered to be appropriate in addressing the requirements of Planning for Bush Fire Protection 2019 Part of the proposal includes the provision of 'Heavy Industry'. In this regard, the revised plans and bush fire consultant's report are to address section '8.3.9 - Hazardous Industry 	<p>Council has requested a revised report which considers the new requirements under <i>Planning for Bush Fire Protection 2019</i> and revised plans to address access concerns. It is noted that this report will not be finalised until the outstanding traffic matters have been resolved given Section 3.4 <i>Access arrangements</i> cannot be determined at this stage.</p>
Transport for NSW	<p>Revised traffic assessment required including micro-simulation.</p> <ul style="list-style-type: none"> Preference for a grade separated crossing between the residential and employment land TfNSW will need to rely on the MR195 Corridor Strategy outcomes prior to further consideration of the traffic and transport implications of residential component of the planning proposal. TfNSW requires all developments to limit 'local' trips on the Hunter 	<p>Whilst these matters remain unresolved, TfNSW do not object to the Planning Proposal proceeding to public exhibition.</p>

	<p>Expressway. This proposal does not include a link between the industrial and residential catchments and hence will induce such trips between the Main Road (MR195) and Hart Road interchanges.</p> <ul style="list-style-type: none"> • The Hart Road interchange is currently a half interchange with east facing ramps in place. Any motorist seeking to head west from Hart Road, or access Hart Road from the west would need to travel to the MR195 interchange which is located around 2.7km east and perform a U-turn. 	
<p>NSW Aboriginal Land Council Mindaribba</p>	<ul style="list-style-type: none"> • As identified in the "Original Zoning Map a number of lots of Crown Land Under Current Claim to Mindaribba LALC as E2 Environmental Conservation Land. The Mindaribba LALC do not agree to zone changes within the LEP to Environmental Conservation being made over lands within Aboriginal Land Claims. • In response to the heritage investigations undertaken by AECOM, it is necessary to undertake a revised and more rigorous Aboriginal culture and heritage investigation that include the impacts this development has on the cultural landscape; particularly in relation to the areas of Black Waterholes, Black Creek and Swamp Creek which are highly significant features of the Cultural Landscape for Local Wonnarua Peoples • The Mindaribba LALC has concerns regarding the implications of bio-certification of the rezoning footprint on the socio-economic future of Aboriginal Peoples within 	<p>The E2 land no longer forms part of the Planning Proposal.</p> <p>The exhibition of the BCAR will be facilitated by BCD, however, the Mindaribba LALC will be provided an opportunity to comment during this consultation period.</p>

	<p>the Cessnock and Maitland LGAs. The Mindaribba LALC would like to be consulted with during the preparation and finalization of any Biodiversity Certification report prepared over this area.</p>	
<p>Subsidence Advisory NSW</p>	<p>No concerns raised as land is not identified within a mine subsidence district, undermined or within a mining lease.</p>	<p>No objections raised.</p>
<p>Hunter Water Corporation</p>	<p>Initially advised that the intensification of land use was not supported in the WWTW buffer zone.</p> <p>Further advice was issued to Council on 14 May 2020 that following continued consultation with the proponent, the agency no longer objects to the B7 (now regarded as B5) and IN1 industrial rezoning within the buffer zone of the Kurri Kurri Water Treatment Plant. Whilst the agency's concerns regarding the employment land have been addressed, the agency's objection to the proposed R2 zone within the Kurri Kurri Waste Water Treatment Works remains outstanding.</p>	<p>Given the ongoing discussions with Hunter Water, ability to resolve the majority of issues and options available for the residential land in question, it is considered that the issues raised can be resolved.</p>

PART 4: MAPPING

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

Land Zoning Map

Amendment Applies to	Provision
1720_COM_LZN_008_080_20140711 1720_COM_LZN_009A_040_20141212	Rezoning that part of the site from RU2 - Rural Landscape to: <ul style="list-style-type: none"> • B1 - Neighbourhood Centre, • B5 - Business Development, • IN1 - General Industrial, • IN3 - Heavy Industrial, • R2 - Low Density Residential, • RE1 - Public Recreation; and • SP2 - Infrastructure.

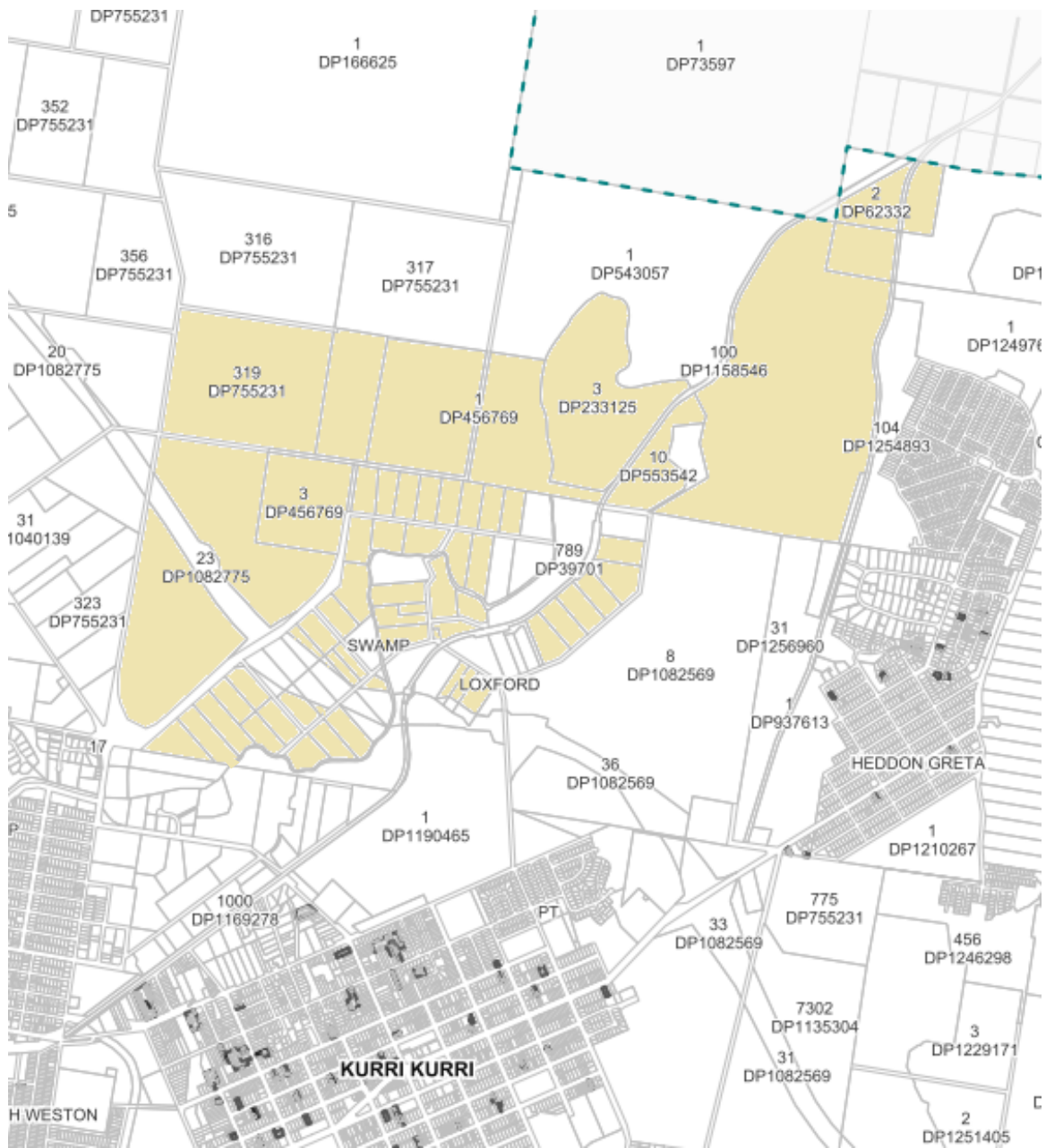
Minimum Lot Size Map

Amendment Applies to	Provision
1720_COM_LSZ_008_080_20140911 1720_COM_LSZ_009A_040_20141212	<p>Replace the 40ha minimum lot size with 450m² for that area zoned R2 - Low Density Residential.</p> <p>There is no minimum lot size applicable to the following zones:</p> <ul style="list-style-type: none"> • B1 - Neighbourhood Centre, • B5 - Business Development, • IN1 - General Industrial, • IN3 - Heavy Industrial, • RE1 - Public Recreation; and • SP2 - Infrastructure. <p>Remove the 40ha minimum lot size for these areas.</p>

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

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

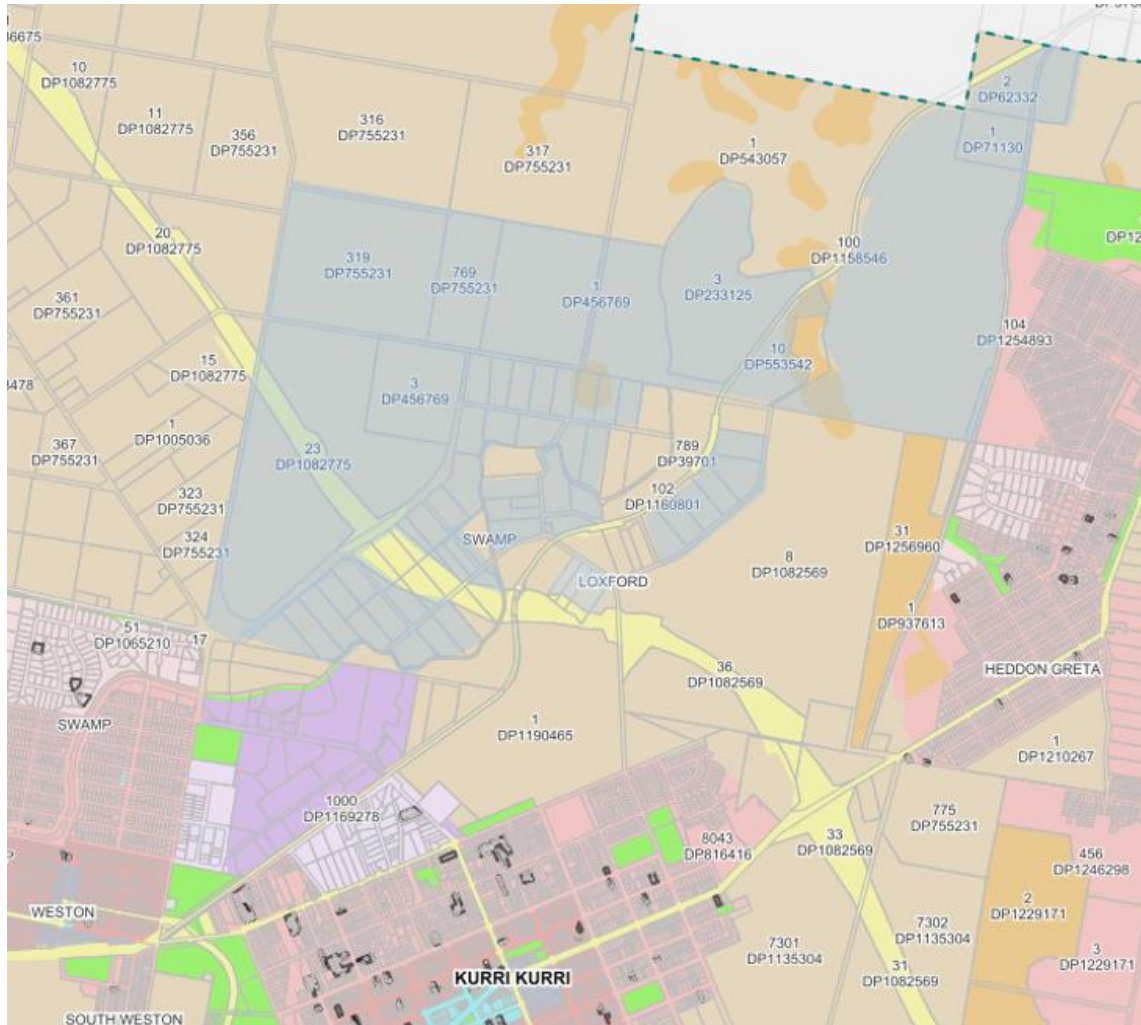
Map 1: Location map



Map 2: Aerial map



Map 3: Existing Zoning Map

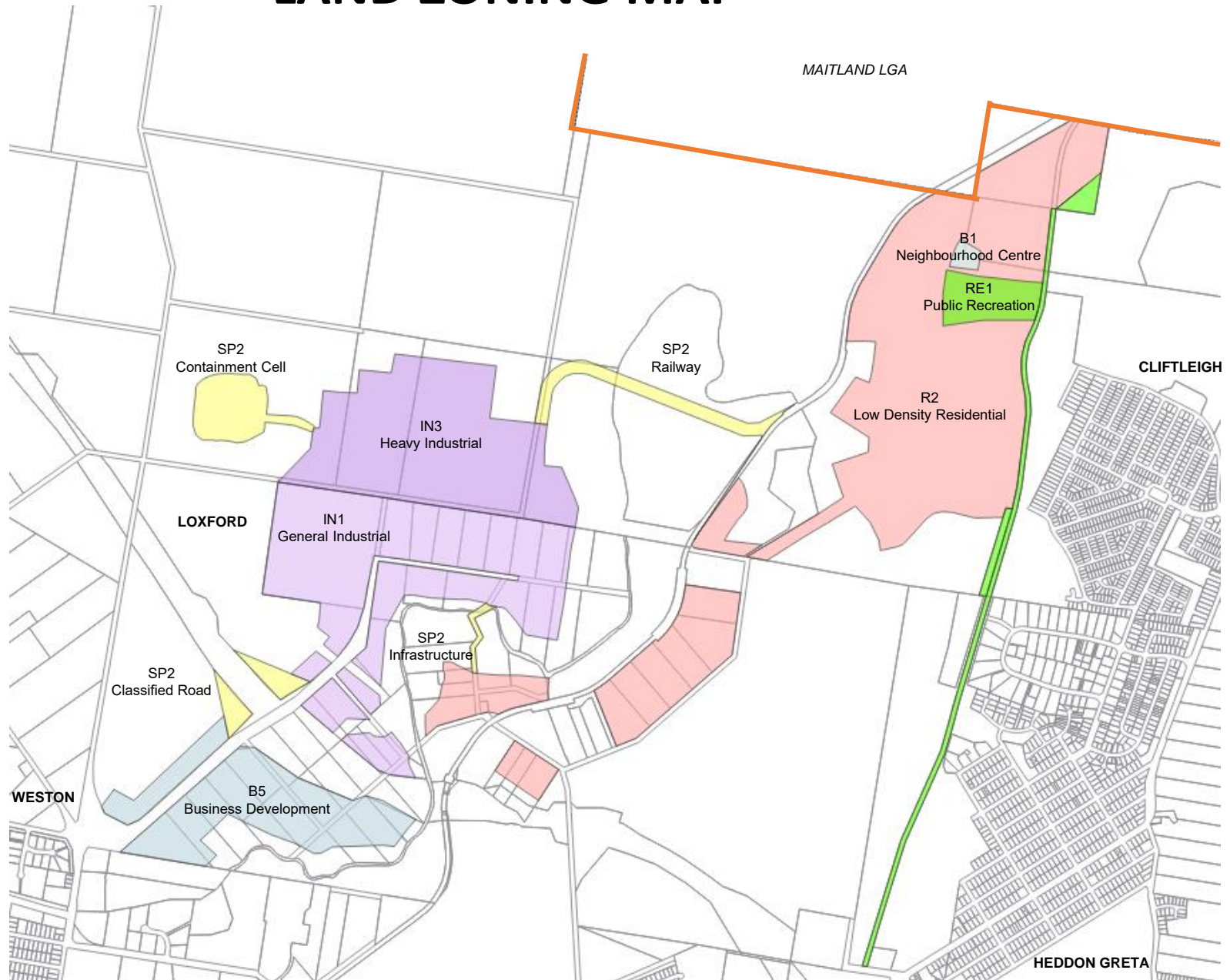


LEGEND

- RU2 - Rural Landscape
- E2 - Environmental Conservation
- R5 - Large Lot Residential
- R2 - Low Density Residential
- IN3 - Heavy Industrial
- RE1 - Public Recreation
- SP2 - Infrastructure

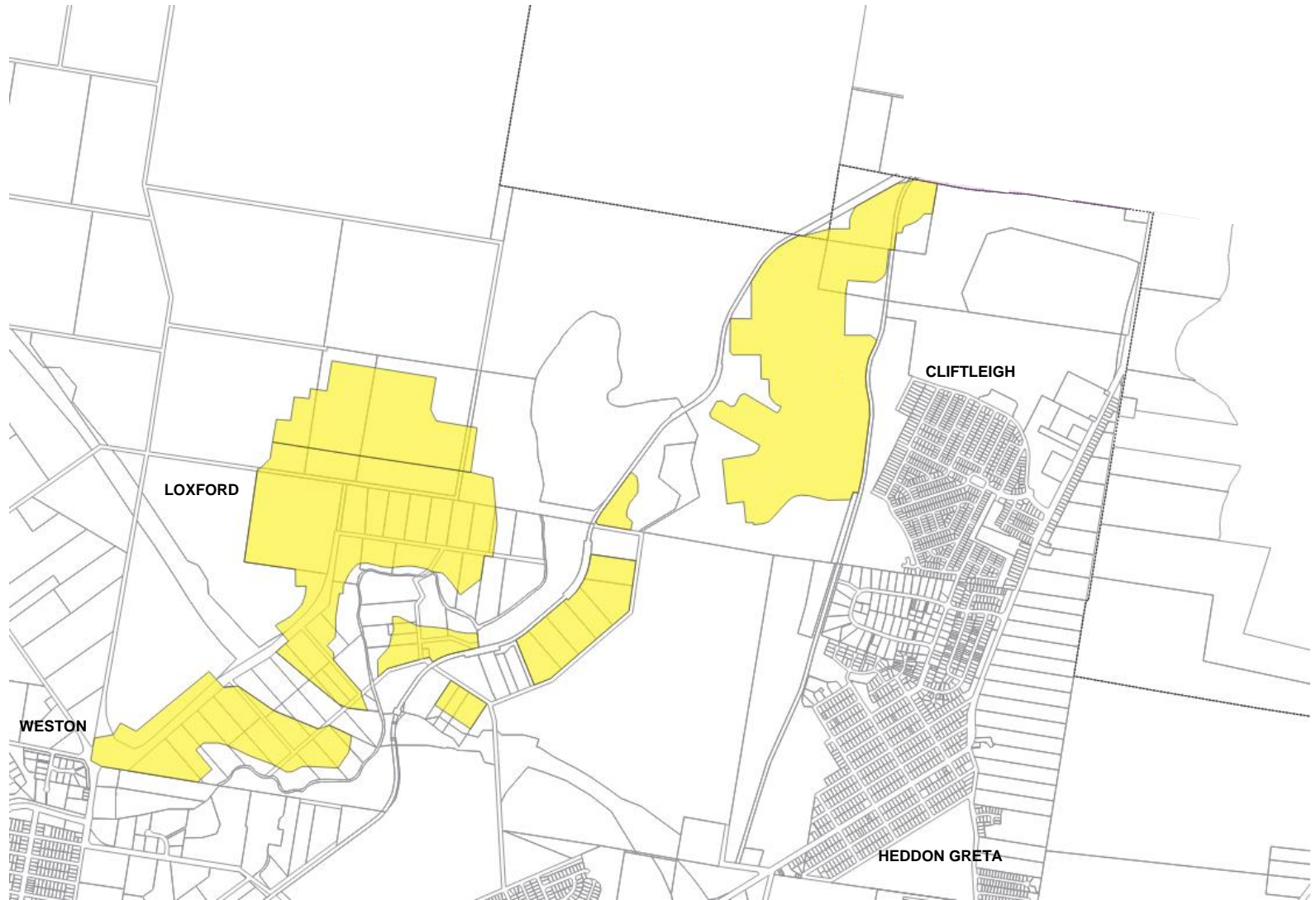
Exhibition Copy - DOC2020/027756

LAND ZONING MAP



- Zone**
- B1** Neighbourhood Centre
 - B5** Business Development
 - IN1** General Industrial
 - IN3** Heavy Industrial
 - R2** Low Density Residential
 - RE1** Public Recreation
 - SP2** Infrastructure

URBAN RELEASE AREA MAP



Urban Release Area



LAND RESERVATION

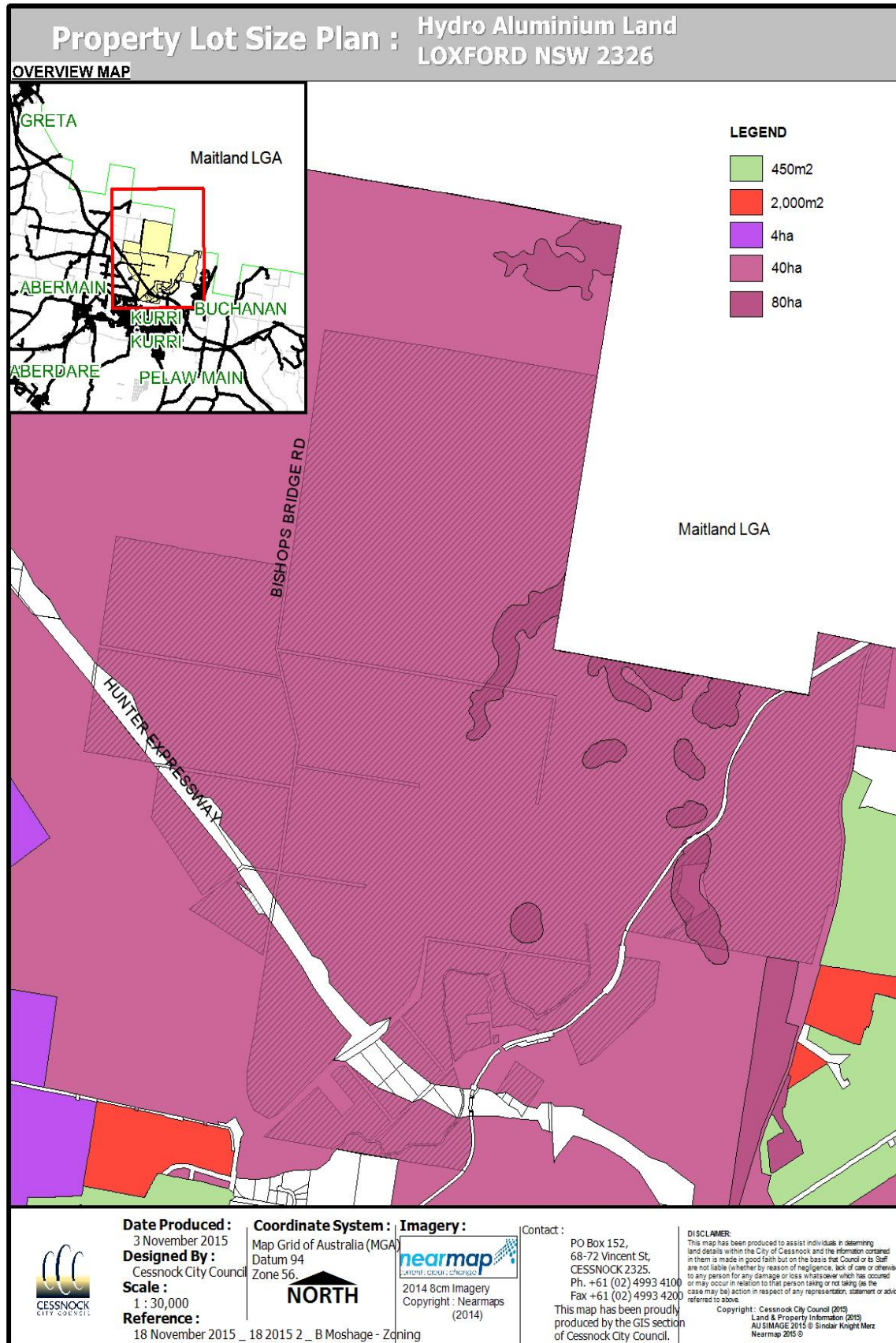
ACQUISITION MAP



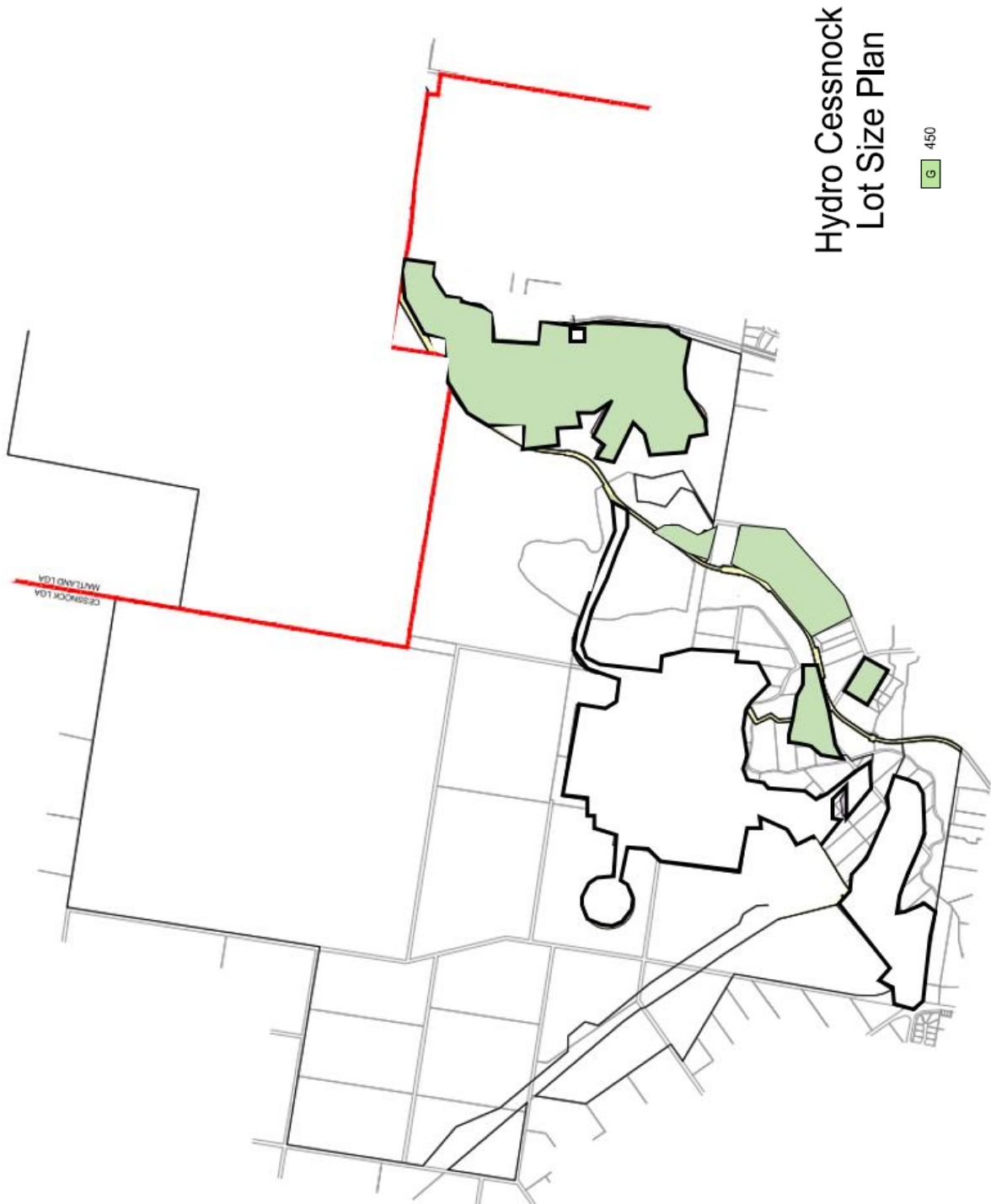
Land Reservation



Map 5: Existing Minimum Lot Size Map



Map 6: Proposed Minimum Lot Size Map



PART 5: COMMUNITY CONSULTATION

Community consultation will be undertaken in accordance with Council's Community Participation Plan and requirements made by the Department of Planning and Environment as provided under the Gateway determination.

The Planning Proposal will be exhibited concurrently for a minimum period of 28 days as required under Section 3.34(2)(c) of the *Environmental Planning and Assessment Act 1979*.

PART 6: PROJECT TIMELINE

The Project Timeline will assist with tracking the progress of the Planning Proposal through the various stages of consultation and approval, including consideration and assessment of the application for biodiversity certification of the development footprint. It is estimated that this amendment to the Cessnock Local Environmental Plan 2011 will be completed by April 2021.

The timeframe provided takes into consideration that an average processing time for bio-certification assessment, prepared in accordance with the Biodiversity Conservation Act 2016, has not been established. Furthermore, given the possible competition date for bio-certification assessment in late 2020 there are limited Council Meetings during the Christmas/New Year shutdown period and therefore the timeframe assumes that no extraordinary meetings will be held between December 2020 and February 2021.

The gateway approval provides a timeframe for completing the LEP amendment by 23 December 2020. Council is adhering to this approximate timeframe and assumes that completion just outside this period is acceptable, given clear progress continues to be made on the planning proposal. An approximate timeline is provided below.

Appendix 1: Land Lot Schedule

Lots 10-12 & 14-22	DP 1082569
Lot 16	DP 1082775
Lots 2-3	DP 233125
Lot 3	DP 456769
Lots 1-2	DP 502196
Lot 10	DP 553542
Lot 1	DP 589169
Lots 2-3	DP 62332
Lot 1	DP 71130
Lots 318-319, 411-418, 420-224, 427-429, 434-439, 447-449, 451, 453-454, 456, 458-463, 536, 682 & 769	DP 755231
Lot 1	DP 998540
Lot 5	DP 62332

Appendix 2: Gateway Determination



Gateway Determination

Planning proposal (Department Ref: PP_2015_CESSN_006): to investigate the rezoning of the former Norsk Hydro Aluminium Smelter and associated land.

I, the Deputy Secretary, Planning Services, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Cessnock Local Environmental Plan (LEP) 2011* to rezone the former Norsk Hydro Aluminium Smelter and associated land, should proceed subject to the following conditions:

1. Council is to amend the planning proposal and draft maps prior to exhibition to:
 - (a) exclude the proposed B7 and B1 zoning. Further justification of the size, location and zone proposed for these areas is required, in particular how the proposal relates to surrounding land uses and the existing/proposed centres in Kurri Kurri and Gillieston Heights;
 - (b) provide for the aluminium smelter waste containment cell to be zoned either IN3 Heavy Industry or SP2 Waste Disposal Facility;
 - (c) address the requirements of the Office of Environment and Heritage regarding flood modelling to accurately demonstrate the impact of flooding, including local flooding, on the land to be rezoned and all existing and proposed access roads;
 - (d) provide a strategy that facilitates flood free access for proposed residential development;
 - (e) address the requirements of State Environmental Planning Policy No 55 (SEPP 55) - Remediation of Land and the Contaminated Land Planning Guidelines;
 - (f) determine the appropriate zoning for the land adjoining Main Street, Hunter expressway and the South Maitland Railway line based on detailed acoustic and vibration impact assessment. The responsibility for and mechanism to deliver any proposed noise attenuation measures such as bunds should be clarified. If required, the proposed zoning map should be amended before exhibiting the planning proposal where impacts cannot be ameliorated;
 - (g) include the outcomes of an agricultural land suitability and capability assessment and update its assessment in the planning proposal of the Minister's s117 Directions 1.2 Rural Zones and s1.5 Rural Lands;
 - (h) clarify road upgrades/intersection proposals as outlined in the Traffic and Transport Study to the Hunter Expressway and Cessnock Road following discussion with Roads and Maritime Services and Maitland City Council;
 - (i) correct the statement (pg 34) that no specific upgrades or road works are proposed;
 - (j) correct the statement (pg 24) that the site contains no items of local heritage significance and recognise the heritage significance of the South Maitland Railway and undertake the necessary heritage impact assessment; and
 - (k) amend zone boundaries to reflect the outcomes of studies and identify the subject lands as an urban release area.

2. Council is to provide a copy of the updated Planning Proposal to the Department's Regional Office for review prior to public exhibition.
3. Consultation is required with the following public authorities under section 56(2)(d) of the Act, prior to exhibition:
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
 - Office of Environment and Heritage (regarding Section 117 Direction Environment Protection Zones and Section 117 Direction 4.3 Flood Prone Land)
 - Transport for NSW - Roads and Maritime Services
 - NSW Aboriginal Land Council
 - NSW Mine Subsidence Board
 - NSW Department of Primary Industries - Agriculture
 - NSW Department of Industry – Resources and Energy
 - NSW TAFE
 - Hunter Water Corporation
 - Relevant Rail Authority for South Maitland Railway
 - Maitland LGA
 - NSW State Emergency Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. Community consultation is required under section 56(2)(c) and 57 of the Act as follows:
 - (a) the Planning Proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013)*.
6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.
7. The timeframe for completing the LEP is 36 months from the date of the Gateway Determination.

Dated 23rd day of March 2016.



Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

Appendix 3: Alteration of Gateway Determination



Planning,
Industry &
Environment

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2015_CESSN_006_00)

I, Acting Director, Central Coast and Hunter Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 23 March 2016 for the proposed amendment to the Cessnock Local Environmental Plan 2011 as follows:

1. Re-number "condition 6" to "condition 5".
2. Delete "condition 1(h)"

and replace with:

a new condition 1(h) "Agreement from Roads and Maritime Services (RMS) shall be required for proposed intersections and upgrades to Cessnock/Main Road (MR195) between the New England Highway and the Hunter Expressway, including staging/development thresholds for upgrades and funding mechanisms to deliver the agreed upgrades. RMS will assess the traffic impacts associated with the development through a Traffic Impact Assessment that responds to the need to consolidate access points along the length of Cessnock/Main Road and find preferred intersection locations. The Traffic Impact Assessment shall be undertaken in accordance with *Roads and Maritime's Guide to Traffic Generating Developments 2002*."

3. Delete "condition 2"

and replace with:

a new condition 2 "Council is required to obtain the Department's endorsement of the revised planning proposal prior to public exhibition".

4. Delete "condition 7"

and replace with:

a new condition 6 "The timeframe for completing the LEP is by 23 December 2020".

Dated 10th day of September 2019.



Greg Sullivan
Acting Director, Central Coast and
Hunter Region
Planning and Assessment
Department of Planning, Industry and
Environment

**Delegate of the Minister for Planning and
Public Spaces**