

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:

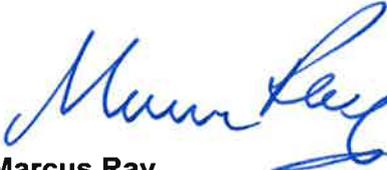
1. Council is to amend the planning proposal and draft maps prior to exhibition to:
 - (a) exclude the proposed B7 and B1 zoning. Further justification of the size, location and zone proposed for these areas is required, in particular how the proposal relates to surrounding land uses and the existing/proposed 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