

Mr Stephen Glen
General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Our ref: PP_2016_CESSN_006

Att: Bo Moshage

Dear Mr Glen

Planning proposal to amend Cessnock Local Environmental Plan (LEP) 2011

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and additional information in respect of the planning proposal to investigate the rezoning of the former Norsk Hydro Aluminium Smelter and associated land.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

In making this decision it is noted that the future zoning of the containment cell will be resolved when the State Significant Development for the demolition and remediation of the former Hydro Aluminium Smelter is determined and that this may be either pre or post exhibition.

Council is strongly encouraged to coordinate the submission of this proposal to relevant agencies with Maitland City Council, to ensure both proposals can be jointly considered by the relevant authority. Council is also to liaise with Maitland City Council to establish a co-ordinated program for the preparation of a development control plan and s94 plan and agreed position relating to the Servicing Strategy.

Following the undertaking of necessary studies and consultation with relevant agencies Council may need to obtain the agreement of the Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Local Environmental Plan needs to be biocertified by the Minister for Environment before the Minister for Planning or his delegate makes this plan. If the Biodiversity Certification process is discontinued, it will be necessary to provide an environmental offsets to satisfy the Office of Environment and Heritage's requirements.

The amending Local Environmental Plan (LEP) is to be finalised within 36 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

The Department supports Council's approach to coordination of this proposal with that in Maitland City Council and to exhibit the Planning Proposal with the biodiversity certification application, draft structure plan, draft development control plan and draft contribution plan.

Should you have any queries in regard to this matter, I have arranged for Mr Trent Wink from the Hunter office to assist you. Mr Wink can be contacted on (02) 4904 2716

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

23/03/2016