

Gateway Determination

Planning proposal (Department Ref: PP_2020_CESSN_006_00): *rezone the former Hydro Aluminium Smelter and surrounding buffer land to permit employment, industrial and residential development.*

I, the 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(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Cessnock Local Environmental Plan 2011* to rezone the former Hydro Aluminium Smelter and surrounding buffer land should proceed subject to the following conditions:

1. Prior to finalisation of the local environmental plan:
 - (a) comments in Transport for NSW's correspondence to Cessnock City Council dated 24 March 2020 are addressed; and
 - (b) consideration is given to a biodiversity conservation assessment report, preliminary contamination report and revised bushfire report.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act and this consultation should occur concurrently with the public exhibition. The consultation is required to comply with the requirements of relevant section 9.1 Ministerial directions:
 - Biodiversity Conservation Division;
 - NSW Rural Fire Service;
 - Hunter Water Corporation; and
 - Mindaribba Local Aboriginal Land Council.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

Council should also consult with the owners of the South Maitland Railway to consider the requirements for the existing level crossing.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The time frame for completing the planning proposal are:
 - (a) public exhibition commenced by 15 February 2021; and
 - (b) local environmental plan amendment is finalised by **12 months** following the date of the Gateway determination.

Dated 1st day of December 2020.



Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Assessment
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces