



Ms Lotta Jackson
General Manager
Cessnock City Council
PO Box 152
Cessnock NSW 2325

Dear Ms Jackson

Planning proposals PP_2015_CESSN_006_00 and PP_2020_CESSN_006_00

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal PP_2020_CESSN_006_00 for the rezoning of the Hydro Aluminium Smelter and associated land.

This planning proposal will replace planning proposal PP_2015_CESSN_006_00 that was issued a Gateway determination on 23 March 2016.

PP_2015_CESSN_006_00

As delegate of the Minister for Planning and Public Spaces, I have determined in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 23 March 2016 (since altered) for PP_2015_CESSN_006_00 to not proceed.

The Alteration of Gateway determination is enclosed.

PP_2020_CESSN_006_00

As delegate of the Minister for Planning and Public Spaces, I have determined PP_2020_CESSN_006_00 should proceed subject to the conditions in the enclosed Gateway determination.

As delegate of the Secretary, I have agreed the planning proposal's inconsistencies with section 9.1 Ministerial directions: 1.2 Rural Zones, 1.5 Rural Lands and 6.3 Site Specific Provisions are justified in accordance with the terms of the directions.

As delegate of the Secretary, I have also agreed in relation to section 9.1 Ministerial direction 6.2 Reserving Land for Public Purposes to the creation of land for public purposes on the basis that the district park land is consistent with Council's Open Space Strategy and the linear park will provide a regional shared pathway link. No further approval is required in relation to this direction.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Ministerial directions:

- 1.1 Business and Industrial Zones;
- 2.1 Environmental Protection Zones;
- 2.3 Heritage Conservation;
- 2.6 Remediation of Contaminated Land;
- 3.4 Integrating Land Use and Transport;
- 4.4 Planning for Bushfire Protection; and
- 5.10 Implementation of Regional Plans.

Council should ensure this occurs prior to the plan being made.

I understand Council has requested to be authorised as the local plan-making authority. There remain several inter-related matters that will required to be resolved prior to finalisation of the local environmental plan. There are also several potential inconsistencies with section 9.1 Ministerial directions outlined above. I have not conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan is to be finalised within 12 months of 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, Industry and Environment to draft and finalise the local environmental plan should be made 6 weeks prior to the projected publication date.

The NSW Government is committed to reducing the time taken to complete local environmental plans 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr James Shelton, Senior Planning Officer, Central Coast and Hunter Region to assist you. Mr Shelton can be contacted on 4904 2713.

Yours sincerely



1/12/2020

Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Assessment

Encl:

Gateway alteration (PP_2015_CESSN_006_00)

Gateway determination (PP_2020_CESSN_006_00)