



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

Dear Mr Glen

Planning proposal PP_2018_CESSN_002_00 to amend Cessnock Local Environmental Plan 2011

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) and additional information received on 15 May 2018 in respect of the planning proposal to amend the IN2 Light Industrial Zone Land Use Table, to delete sub-clause 4.1(4A)(a) regarding (T1) battle axe block lot size restrictions, and to correct four mapping anomalies.

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

The Gateway determination includes a condition to remove Lot 142 DP264038, Mcblane Street, Weston from the planning proposal. This condition reflects the need for further investigation of this site to be undertaken and the likelihood of this work delaying the remainder of the proposal. Council may wish to include this site in a future planning proposal once this work has been completed.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.2 Rural zones and 1.5 Rural lands is of minor significance. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant section 9.1 Directions which are unresolved, these include 4.3 Flood prone land and 4.4 Planning for Bushfire Protection. Council should ensure that these are resolved prior to community consultation.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending Local Environmental Plan (LEP) is to be finalised within 15 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 and Environment to draft and finalise the LEP should be made 8 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr James Shelton to assist you. Mr Shelton can be contacted on 4904 2713.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. O'Flaherty', is written over a light grey rectangular background.

09/07/2018

Katrine O'Flaherty
Acting Director Regions, Hunter
Planning Services

Encl: Gateway determination
Local plan-making authority reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2018_CESSN_002_00): to amend the IN2 Light Industrial Zone Land Use Table, to delete sub-clause 4.1(4A)(a) in relation to battle axe block lot size restrictions, and to correct four mapping anomalies.

I, the Acting Director Regions, Hunter at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 (LEP) 2011 to amend the IN2 Light Industrial Zone Land Use Table, to delete sub-clause 4.1(4A)(a) in relation to battle axe block lot size restrictions, and to correct four mapping anomalies, should proceed subject to the following conditions:

1. The planning proposal should be updated prior to community consultation to address the following matters:
 - (a) include the proposed changes to the LEP maps;
 - (b) include the additional information provided by Council regarding council ownership of land, flooding, history of the land; and
 - (c) remove Lot 142 DP264038, Mcblane Street, Weston from the planning proposal.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (d) the planning proposal must be made publicly available for a minimum of **14 days**; and
 - (e) 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

3. Consultation is required with the following public authorities and under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Office of Environment and Heritage (Flooding) is required to address 9.1 Direction 4.3 Flood Prone Land; and
 - NSW Rural Fire Service is required to address 9.1 Direction 4.4 Planning for Bushfire Protection.

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.

4. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.
5. 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).
6. The time frame for completing the LEP is to be **15 months** following the date of the Gateway determination.

Dated 9th day of July 2018.



Katrine O'Flaherty
Acting Director Regions, Hunter
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning

Attachment 5 – Authorised plan-making reporting template

Reporting template for authorised LEP amendments

Notes:

- The planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal.
- The Department will fill in the details of Tables 1 and 3.
- The local plan-making authority is to fill in the details of Table 2.
- If the planning proposal is exhibited more than once, the local plan-making authority should add rows to **Table 2** to include this information.
- The local plan-making authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date.
- The plan should be signed using the following format:
 [Name]
 [Title]
 [Council name]
 Delegate of [Council name], the local plan-making authority [date]
- A copy of this completed report must be provided to the Department with the local plan-making authority's request to have the LEP notified.

Table 1: To be completed by the Department of Planning and Environment

Stage	Date/Details
Planning proposal number	PP_2018_CESSN_002_00
Date sent to DPE under section 3.34(1)	2 May 2018
Gateway determination date	June 2018

Table 2: To be completed by the local plan-making authority

Stage	Date/Details	Notified regional office
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date draft LEP requested from PCO		
Date draft LEP received from PCO		
Date PCO Opinion requested		
Date PCO Opinion received		
Date GIS data or maps provided/requested		
Date ePlanning confirmed mapping is suitable and sent to PCO		
Date LEP finalised		
Date sent to DPE requesting notification		

Table 3: To be completed by the Department of Planning and Environment

Stage	Date/Details
Notification date and details	

Additional relevant information: