



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

Our ref: PP_2013_CESSN_006_00 (13/16573)
Your ref: 18/2013/3/1

Att: Scott Christie

Dear Mr Glen,

Planning Proposal to amend Cessnock Local Environmental Plan 2011

I refer to Council's letter dated 26 September 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land at Allandale to R2 Low Density Residential and E2 Environmental Conservation to provide greater flexibility for the layout of the proposed "Anvil Creek" integrated tourism, golf course and residential development.

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

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands, 3.4 Integrating Land Use and Transport and 6.3 Site Specific Provisions are of minor significance and justified by the Lower Hunter Regional Strategy. No further approval is required in relation to these Directions.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated his plan making powers to Councils in October 2012 and it is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

Council's project timeline estimates that it will take 12 months to complete this amending Local Environment Plan (LEP) with significant time allocated towards preparing the draft development control plan and draft Section 94 contribution plan. It is recommended this additional work is carried out at a later stage, to reduce the time taken to finalise the LEP, given the land has already been rezoned to facilitate the "Anvil Creek" integrated tourism, golf course and residential development. Also, the inclusion of the subject site as an Urban Release Area ensures that a development control plan is prepared before any development application is determined. As part of the development control plan it is necessary to prepare an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, which should address Council's requirement for a vegetation management plan.

In the circumstances, the amending LEP is to be finalised within 6 months. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

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.

Attached for your assistance is a simplified guide to the plan making process and reporting requirements to ensure that the LEP Tracking System is kept updated.

Should you have any questions regarding this matter, please contact Trent Wink of the Department's Newcastle office on 49042716.

Yours sincerely,


Michael Leavey
Regional Director
Hunter & Central Coast Region
Planning Operations and Regional Delivery

11/10/13

Gateway Determination

Planning Proposal (Department Ref: PP_2013_CESSN_006_00): to provide greater flexibility in the development layout of the proposed "Anvil Creek" integrated tourism, golf course and residential development.

I, the Regional Director, Hunter & Central Coast Region at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Cessnock Local Environmental Plan (LEP) 2011 to rezone land at Allandale to R2 Low Density Residential and E2 Environmental Conservation to provide greater flexibility for the layout of the proposed "Anvil Creek" integrated tourism, golf course and residential development should proceed subject to the following conditions:

1. Prior to commencing public exhibition, the 'explanation of provisions' in the planning proposal is to be amended as follows:-
 - Amend the title of Schedule 1 (Part 4) to refer to the correct property description being part Lots 1-6 DP 1036942, and Lots 263-4 DP 755211, No. 324 & 325 Camp Road and 996 Lovedale Road, Allandale.
 - Amend Schedule 1 (Part 4) to permit Recreation Facility (outdoor) for the purpose of a golf course.
 - Amend the Additional Permitted Uses Map so that it does not apply to land proposed to be rezoned E2 Environmental Conservation.
 - Clarify that the number of residential dwellings within the zone is not considered a development standard for the purposes of clause 4.6.
 - Delete any reference to a new clause that requires the preparation of a vegetation management plan.
 - Amend the proposed Minimum Lot Size map and explanation regarding the cap on residential dwellings, to clarify that the number of residential dwellings permitted at the site is limited to 1,364, and that this does not conflict with the Minimum Lot Size map.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning 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 LEPs (Department of Planning & Infrastructure 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Australian Rail Track Corporation
 - NSW Department of Primary Industries - Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
 - Roads and Maritime Services

- NSW Rural fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
- NSW Transport (Railcorp)

Each public authority 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. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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 timeframe for completing the LEP is to be **6 months**.

Dated

11th

day of

October

2013.

M. Leavey

Michael Leavey
Regional Director
Hunter & Central Coast Region
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Cessnock City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_CESSN_006_00	Planning proposal to rezone land at Allandale to R2 Low Density Residential and E2 Environmental Conservation to provide greater flexibility for the layout of the proposed "Anvil Creek" integrated tourism, golf course and residential development.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 11th October 2013

Michael Leavey
Regional Director
Hunter & Central Coast Region
Department of Planning and Infrastructure