

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

Our ref: PP_2016_CESSN_003_00 (16 /04656)
Your ref: 18 2015 7

Att: Iain Rush

Dear Mr Glen,

Planning Proposal to amend Cessnock Local Environmental Plan 2011

I refer to your Council's letter 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 and amend planning controls for Lot 11 DP 1105639 at 1443 Wine Country Drive, Rothbury.

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.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum and Extractive Industries and 1.5 Rural Lands are of minor significance. Council may still need to obtain the Department's approval to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made. Council may also wish to consider investigating the local heritage significance of the existing cottage in relation to the vineyards of Dr John Lindeman.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. 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.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 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, I have arranged for Ken Phelan from the Hunter office to assist you. Mr Phelan can be contacted on (02) 4904 2705.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized flourish at the end.

27/4/2016

Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services

Gateway Determination

Planning Proposal (Department Ref: PP_2016_CESSN_003_00): to rezone land from RU2 Rural Landscape zone to R5 Large Lot Residential zone and amend planning controls for Lot 11 DP 1105639 at 1443 Wine Country Drive, Rothbury.

I, the Director Regions, Hunter and Central Coast at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Cessnock Local Environmental Plan (LEP) 2011 to rezone Lot 11 DP 1105639 from RU2 Rural Landscape zone to R5 Large Lot Residential zone and change the minimum lot size from 40ha to 2000m² should proceed subject to the following conditions:

1. 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 (Planning & Infrastructure 2013)* 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 (Planning & Infrastructure 2013)*.
2. 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:
 - NSW Aboriginal Land Council
 - Office of Environment and Heritage
 - NSW Rural Fire Service
 - Transport for NSW - Roads and Maritime Services
 - NSW Mine Subsidence Board

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.

3. Appropriate assessment of Aboriginal heritage undertaken in consultation with Office of Environment and Heritage.
4. Further assessment of flora and fauna be undertaken to Council and Office of Environment and Heritage satisfaction.

5. The proposal be amended prior to exhibition to clarify the extent of flood affectation.
6. The land be mapped as Urban Release Area in the maps of Cessnock Local Environmental Plan 2011.
7. 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).
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 27 day of April 2016.

A handwritten signature in black ink, appearing to read 'Monica Gibson', written in a cursive style.

Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Cessnock City Council is authorised to exercise the functions of the Minister for Planning 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_2016_CESSN_003_00	Planning proposal to rezone Lot 11 DP 1105639 from RU2 Rural Landscape zone to R5 Large Lot Residential zone and change the minimum lot size from 40ha to 2000m2

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 27 April 2016

Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services
Department of Planning and Environment