



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

Our ref: PP_2014_CESSN_003_00 (14/07240)
Your ref: DOC 2014/015749

Attention: Robert O'Brien

Dear Mr Glen,

Planning Proposal to amend Cessnock Local Environmental Plan 2011 – James Street, CESSNOCK

I refer to Council's letter dated 24 April 2014 and revised planning proposal dated 28 May 2014 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 Cessnock to R3 Medium Density Residential to permit the expansion of the existing residential area.

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 and 1.5 Rural Lands are of minor significance and justified by the Lower Hunter Regional Strategy and the endorsed City Wide Settlement Strategy 2003. No further approval is required in relation to these Directions.

Council may still need to obtain the Department's approval to satisfy the requirements of relevant S117 Directions, in particular Direction 2.1 Environment Protection Zones and Direction 4.3 Flood Prone Land. Council should ensure this occurs prior to the plan being made. Also, consultation with the NSW Rural Fire Service must be undertaken under S117 Direction 4.4 Planning for Bushfire Protection prior to commencing community consultation.

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.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 Trent Wink from the Department's Newcastle office to assist you. Mr Wink can be contacted on (02) 49042716.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'D. Rowland', with a stylized flourish at the end.

3 June 2014

David Rowland

General Manager

Hunter and Central Coast Region

Growth Planning and Delivery

Gateway Determination

Planning Proposal (Department Ref: PP_2014_CESSN_003_00): to rezoned land at James Street, Cessnock.

I, the General Manager, Hunter and Central Coast Region at 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 land from RU2 Rural Landscape to R3 Medium Density Residential 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 (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)*.
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:
 - Office of Environment and Heritage
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)

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. 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).
4. The timeframe for completing the LEP is to be **9 months**.

Dated 3rd day of June 2014.



David Rowland
General Manager
Hunter & Central Coast Region
Planning Operations and Regional Delivery
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_2014_CESSN_003_00	Planning proposal to rezone land at James Street, Cessnock from RU2 Rural Landscape to R3 Medium Density Residential under the Cessnock Local Environmental Plan (LEP) 2011.

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 3 June 2014

**David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning and Delivery
Department of Planning and Environment**