

## Alteration of Gateway Determination

### *Planning Proposal (Department Ref: PP\_2016\_CESSN\_004\_00)*

I, Director Regions, Hunter at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 8 September 2016 (as since altered) for the proposed amendment to the Cessnock Local Environmental Plan 2011 as follows:

1. Change the name and description of the Planning Proposal

**from** “from RU2 Rural Landscape to R3 Medium Density Residential and amend the minimum lot size from 40 hectares to 450 square metres”

**to** “from RU2 Rural Landscape to R2 Low Density Residential and amend the minimum lot size from 40 hectares to 450 square metres”

2. Delete:

“condition 1”

and replace with:

a new condition 1 “The Planning Proposal dated 19 February 2018 shall be updated prior to community consultation to:

- (a) recognise that the Lower Hunter Regional Strategy 2006-2031 has been superseded by the Hunter Regional Plan 2036 and to detail consistency with that Plan;
- (b) include an assessment of the proposal’s consistency with State Environmental Planning Policy (Vegetation for Non-Rural Areas) 2017 in Section B.6;
- (c) detail how the proposal responds to biodiversity impacts in Section C.9, and include the planning agreement and ecology assessment as appendices to the proposal;
- (d) detail how stormwater issues are to be managed and any preliminary consultation undertaken regarding drainage with Council in Section D.12,
- (e) include the most recent advice provided on the proposal by Subsidence Advisory NSW in Section D.13;
- (f) update Part 5 Community Consultation to reflect the issues raised in the community consultation undertaken between 15 March 2017 and 11 April 2017; and
- (g) include the heritage assessment undertaken as an appendix to the proposal.

3. Delete:

“condition 3”

and replace with:

a new condition 3 “Consultation is required with the Office of Environment and Heritage under section 3.34(2)(d) of the Act. The Office of Environment and Heritage 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. Delete:

“condition 5”

and replace with:

a new condition 5 “The timeframe for completing the LEP is by 15 December 2018”

5. Insert:

a new condition 6 “Community consultation is required under sections 3.34(2)(c) and Schedule 1 clause 4(a) of the Act as follows:

- (a) the Planning Proposal 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 local environmental plans (Department of Planning and Environment 2016).

Dated 12<sup>th</sup> day of March 2018.



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

**Delegate of the Minister for Planning**