

Gateway Determination

Planning Proposal (Department Ref: PP_2016_CESSN_004_00): to rezone part of Lot 101 DP 1193184, at James, O'Brien, Villis and Michael Streets, Cessnock from RU2 Rural Landscape to R3 Medium Density Residential and amend the minimum lot size from 40 hectares to 450 square metres.

I, Stephen Murray the Executive Director, Regions at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Cessnock Local Environmental Plan (LEP) 2011* should proceed to rezone the subject land from RU2 Rural Landscape to R3 Medium Density Residential and amend the minimum lot size from 40 hectares to 450 square metres subject to the following conditions:

1. The Planning Proposal dated 28 October 2015 shall be updated and revised prior to community consultation to include:
 - (a) an independent geotechnical report with rigorous testing of the site to provide up to date information to determine if there are residual underground mine workings affecting the site;
 - (b) an appropriate stormwater drainage solution for the site, and incorporating the adjacent existing residential area be developed in consultation with Council. The solution shall clearly outline what is required to resolve onsite generated drainage and what additional works may cater for upstream generated drainage;
 - (c) an updated flood study be prepared to take into consideration the Cessnock City Flood Risk Management Study and Plan (adopted 2 March 2016), and the proposed stormwater drainage solution which may reduce flooding impacts;
 - (d) consideration of the Ministers s117 Direction 4.3 Flood Prone Land;
 - (e) proposed draft LEP maps - 'Land Zone Map' and 'Lot Size Map'; and
 - (f) a report outlining how submissions from the previous public exhibition in August 2014 have been addressed and/or incorporated into the revised Planning Proposal.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 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 Mine Subsidence Board under section 56(2)(d) of the EP&A Act to comply with the requirements of s117 Direction 4.2 Mine Subsidence and Unstable Land when the revised geotechnical report is received.

Advice should also be sought from the Mine Subsidence Board regarding its responsibility for compensation in the event of any mine subsidence damage to property or any other mine-related incidents even though the site is not located within a Mine Subsidence District.

The Mine Subsidence Board is to be provided with a copy of the planning proposal, the revised geotechnical report and any other relevant supporting material, and given at least 21 days to comment on the proposal. The RPA should, following receipt of advice from the public authorities, update its consideration of s117 Directions in the planning proposal, as required.

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 the RPA 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 **12 months** from the week following the Gateway determination.

Dated *e¹²* day of *September* 2016.


Stephen Murray
Executive Director, Regions
Planning Services

Delegate of the Minister for Planning