

Alteration of Gateway Determination

Planning proposal (Department Ref: 15/09575) PP_2015_CESSN_003_00

I, Director Regions, Hunter at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") to alter the Gateway determination dated 1 July 2015 (as since altered) for the proposed amendment to the Cessnock Local Environmental Plan 2011 as follows:

Change the description of the Planning Proposal

From to rezone the former Cessnock City Bowling Club site at 49B Aberdare Road, Aberdare from RE2 Private Recreation to B2 Local Centre

To to rezone the former Cessnock City Bowling Club site at 49B Aberdare Road, Aberdare from RE2 Private Recreation to B1 Neighbourhood Centre, including a local clause to restrict the size of any 'Restaurants and cafes'.

Delete:

Conditions No. 1 to 7 and replace with conditions:

1. The proposal should be amended prior to exhibition, to incorporate:
 - justification and analysis for the use of the B1 Neighbourhood Centre.
 - recommendations of relevant government agencies.
 - updated consideration of relevant s117 Directions – 1.1 Business and Industrial Zones, 3.4 Integrating Land Use and Transport, 4.2 Mine Subsidence and Unstable Land, 4.3 Flood Prone Land and 6.3 Site Specific Provisions.
2. A Flood Assessment or Study of the local area is to be undertaken prior to exhibition to demonstrate consistency or to justify the inconsistency with s117 Direction 4.3 Flood Prone Land.

Council should consider the findings of this investigation in amending the Proposal.

3. 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 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 (Planning & Infrastructure 2013).
4. Consultation is required with Roads and Maritime Services and the Mine Subsidence Board under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Direction.

Each public authority is to be provided with a copy of the amended planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Council should, following receipt of advice from the public authorities, update its consideration of s117 Directions and SEPPs in the Proposal, as required.

5. 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).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the altered Gateway determination.

Dated 23rd day of June 2017.



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

Delegate of the Minister for Planning