

## Gateway Determination

***Planning proposal (Department Ref: PP\_2018\_CESSN\_002\_00): to amend the IN2 Light Industrial Zone Land Use Table, to delete sub-clause 4.1(4A)(a) in relation to battle axe block lot size restrictions, and to correct four mapping anomalies.***

I, the Acting Director Regions, Hunter at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Cessnock Local Environmental Plan (LEP) 2011 to amend the IN2 Light Industrial Zone Land Use Table, to delete sub-clause 4.1(4A)(a) in relation to battle axe block lot size restrictions, and to correct four mapping anomalies, should proceed subject to the following conditions:

1. The planning proposal should be updated prior to community consultation to address the following matters:
  - (a) include the proposed changes to the LEP maps;
  - (b) include the additional information provided by Council regarding council ownership of land, flooding, history of the land; and
  - (c) remove Lot 142 DP264038, Mcblane Street, Weston from the planning proposal.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (d) the planning proposal must be made publicly available for a minimum of **14 days**; and
  - (e) the planning proposal 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).
3. Consultation is required with the following public authorities and under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - Office of Environment and Heritage (Flooding) is required to address 9.1 Direction 4.3 Flood Prone Land; and
  - NSW Rural Fire Service is required to address 9.1 Direction 4.4 Planning for Bushfire Protection.

Each public authority/organisation 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. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - c. there are no outstanding written objections from public authorities.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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 time frame for completing the LEP is to be **15 months** following the date of the Gateway determination.

Dated 9<sup>th</sup> day of July 2018.



**Katrine O'Flaherty**  
**Acting Director Regions, Hunter**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**