

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

Dear Mr Glen,

**Planning Proposal PP\_2017\_CESSN\_005\_00 to amend Cessnock Local  
Environmental Plan 2011**

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) received on 7 September 2017 in respect of the Planning Proposal to rezone part of 21 and 43 Main Road, Cliftleigh from RE1 Public Recreation to R2 Low Density Residential and implement a minimum lot size of 450m<sup>2</sup> on the site.

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, as delegate of the Secretary, the Planning Proposal's inconsistencies with Section 117 Direction 3.1 is justified in accordance with the terms of the Direction. In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis of planned future recreation land for the Cliftleigh area. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant Section 117 Directions 4.2 and 4.4. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. 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 12 months of 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 of Planning and Environment.

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 Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Corrine Manyweathers to assist you. Ms Manyweathers can be contacted on (02) 4345 4404.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, cursive script.

**2/10/2017**

Monica Gibson

**Director Regions, Hunter  
Planning Services**

Encl: Gateway Determination  
Written Authorisation to Exercise Delegation  
Delegated Plan Making Reporting Template

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2017\_CESSN\_005\_00):** to rezone part of 21 and 43 Main Road, Cliftleigh from RE1 Public Recreation to R2 Low Density Residential and implement a minimum lot size of 450m<sup>2</sup>.

I, the Director Regions, Hunter 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 to rezone part of 21 and 43 Main Road, Cliftleigh from RE1 Public Recreation to R2 Low Density Residential and implement a minimum lot size of 450m<sup>2</sup> on the site should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) 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 local environmental plans* (Department of Planning and Environment 2016).
2. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
  - NSW Rural Fire Service (4.4 Planning for Bushfire Protection);
  - Subsidence Advisory NSW (4.2 Mine Subsidence and Unstable Land);
  - Office of Heritage and Environment.

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.

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 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).



## Planning & Environment

4. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 2<sup>nd</sup> day of October 2017.

**Monica Gibson**  
**Director Regions, Hunter**  
**Planning Services**  
**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* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

| <b>Number</b>        | <b>Name</b>                                                                                                                                                                          |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PP_2017_CESSN_005_00 | Planning proposal to rezone part of 21 and 43 Main Road, Cliftleigh from RE1 Public Recreation to R2 Low Density Residential and implement a minimum lot size of 450m <sup>2</sup> . |

In exercising the Minister's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 2<sup>nd</sup> October 2017

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

**Delegate of the Secretary**  
**of the Department of Planning and Environment**

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

**Table 1 – To be completed by Department of Planning and Environment**

| Stage                                               | Date/Details                |
|-----------------------------------------------------|-----------------------------|
| Planning Proposal Number                            | <b>PP_2017_CESSN_005_00</b> |
| Date Sent to DP&E under s56                         | <b>7 September 2017</b>     |
| Date considered at LEP Review Panel (if applicable) | <b>N/A</b>                  |
| Gateway determination date                          | <b>2 October 2017</b>       |

**Table 2 – To be completed by the RPA**

| Stage                                                                     | Date/Details     | Notified Reg Off |
|---------------------------------------------------------------------------|------------------|------------------|
| Dates draft LEP exhibited                                                 |                  |                  |
| Date of public hearing (if held)                                          |                  |                  |
| Date sent to PCO seeking Opinion                                          |                  |                  |
| Date Opinion received                                                     |                  |                  |
| Date Council Resolved to Adopt LEP                                        |                  |                  |
| Have changes been made to the draft LEP after obtaining final PC opinion? | <b>YES    NO</b> |                  |
| Date LEP made by GM (or other) under delegation                           |                  |                  |
| Date sent to DPE requesting notification                                  |                  |                  |

**Table 3 – To be completed by Department of Planning and Environment**

| Stage                         | Date/Details |
|-------------------------------|--------------|
| Notification Date and details |              |

#### Additional relevant information: