



Gateway Determination

Planning proposal (Department Ref: PP_2020_CESSN_001_00): to amend the Cessnock Local Environmental Plan 2011 to rezone part of 71 Branxton Street, Greta to R2 Low Density Residential.

I, the Director, Central Coast and Hunter Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, 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 2011* to rezone part of 71 Branxton Street, Greta from RU2 Rural Landscape to R2 Low Density Residential should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal should be updated to:
 - (a) map the site as an urban release area;
 - (b) reflect the adopted local strategic planning statement;
 - (c) refer to the relevant State Environmental Planning Policies (several identified in the planning proposal have been repealed);
 - (d) detail the assessment undertaken which informs the planning proposal's view that the site contains no known items of historical, Aboriginal or archaeological significance and update section 9.1 Ministerial direction 2.3 accordingly;
 - (e) detail the assessment undertaken against section 9.1 Ministerial direction 4.1; and
 - (f) include maps that show the existing and proposed planning controls for the site in the context of the site's surrounds.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 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, 2018) and must be made publicly available for a minimum of **14 days**; and
 - (b) 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Ministerial directions:

- NSW Rural Fire Service
- Subsidence Advisory NSW
- Biodiversity Conservation Division of the Department of Planning, Industry and Environment
- NSW Department of Primary Industries
- Ausgrid
- Hunter Water

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. 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).

5. 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 Ministerial directions or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 28th day of August 2020.



Dan Simpkins
Director, Central Coast and Hunter
Region
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces