



Planning & Infrastructure

Office of the Director General

Ms Lea Rosser
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Cessnock City Council
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Our ref: PP_2013_CESSN_001_00 (10/23550)
Your ref: 18/20205/2/1

Dear Ms Rosser,

Planning proposal to amend the Cessnock Local Environmental Plan 2011

I am writing in response to Council's letter dated 14 December 2012 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone the Bellbird Heights Precinct at 40-42 Francis Street, Cessnock to R2 Low Density Residential and E2 Environmental Conservation, amend the minimum lot size applicable to the land and identify the Precinct on the Urban Release Area Map.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 1.5 Rural Lands are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The NSW 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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Amy Blakely of the regional office of the department on 02 4904 2700.

Yours sincerely,


Sam Haddad
Director General

5/2/2013

Gateway Determination

Planning proposal (Department Ref: PP_2013_CESSN_001_00): to rezone the Bellbird Heights Precinct for residential and environmental conservation purposes.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Cessnock Local Environmental Plan (LEP) 2011 to rezone the Bellbird Heights Precinct at 40-42 Francis Street, Cessnock to R2 Low Density Residential and E2 Environmental Conservation, amend the minimum lot size applicable to the land and identify the Precinct on the Urban Release Area Map should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to adopt the department's model clauses 6.1 - Arrangements for designated State public infrastructure, 6.2 - Public utility infrastructure, 6.3 - Development control plan and 6.4 - Relationship between Part and remainder of Plan.
2. It is noted that Council has identified that additional information regarding environmentally sensitive lands, bushfire, land constraint and hazards and servicing feasibility will be undertaken to support the planning proposal. Council should also undertake further work addressing matters of mine subsidence, prior to undertaking public exhibition and amend the planning proposal to reflect the outcomes of this additional information.
3. Prior to undertaking public exhibition, Council is to amend the 'objectives or intended outcomes' and 'explanation of provisions' to be consistent with the department's *A guide to Preparing Planning Proposals*. The statement of objectives should be a concise statement setting out the intended outcome of the planning proposal and the explanation of provisions is to detail how the intended outcome is to be achieved, including providing clear advice on the proposed zones and lot size provisions for the site. The planning proposal is to be clear on what land is subject to a change in zoning and lot size provisions. The planning proposal is to include current and proposed land zoning and lot size maps and proposed urban release areas maps, which clearly identify the subject site.
4. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
5. 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 **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 and Infrastructure 2012).

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage
- NSW Department of Primary Industries – Minerals and Petroleum
- Hunter Water Corporation
- Mine Subsidence Board
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- Department of Resources and Energy (Mineral Resources)
- NSW Aboriginal Land Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

7. 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).

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

Dated 5th day of February 2013.



Sam Haddad
Director General
Delegate of the Minister for Planning and
Infrastructure