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Department Generated Correspondence (Y)

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Our ref: PP_2011_CESSN_006_00 (11/18030)
Your ref: 18/2011/6/1

Miss Lea Rosser
General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Dear Miss Rosser,

Re: Planning Proposal to place a 12 metre maximum building height control on land zoned B7 Business Park known as 'Cessnock Civic' site in Vincent Street, Cessnock.

I am writing in response to your Council's letter dated 23 September 2011 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 amend the Cessnock Local Environmental Plan LEP 2011 to place a 12 metre maximum building height control on land zoned B7 Business Park known as 'Cessnock Civic' site in Vincent Street, Cessnock.

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

It is noted that the Cessnock LEP 2011 is well advanced and nearing finalisation. It is also noted that the planning proposal will amend either Council's draft Comprehensive LEP or Cessnock LEP 1989 depending on timing. To ensure the community are clearly informed, Council is to amend the planning proposal to explain the relationship of the proposal to Council's draft Comprehensive LEP and the existing Cessnock LEP 1989, prior to the commencement of public exhibition.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 6.3 Site Specific Provisions 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 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. 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 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 Susan Blake of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Gellibrand', with a date '15/11/11' written below it.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_CESSN_006_00): to place a 12 metre maximum building height control on land zoned B7 Business Park known as 'Cessnock Civic' site in Vincent Street, Cessnock.

I, the Deputy Director General, Plan Making & Urban Renewal 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 place a 12 metre maximum building height control on land zoned B7 Business Park known as 'Cessnock Civic' site in Vincent Street, Cessnock should proceed subject to the following conditions:

1. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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 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).
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 15th day of November 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure