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Our ref: PP_2011_CESSN_005_00 (09/02687-1)

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

Dear Miss Rosser,

Re: Planning Proposal to amend the buffer between the Vineyards District and the Bellbird North Urban Release Area, to more accurately reflect the setback requirements established through the agreed Development Control Plan, and facilitate direct road access to the north of the Urban Release Area

I am writing in response to your Council's letter 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 1989 to amend the buffer between the Vineyards District and the Bellbird North Urban Release Area, to more accurately reflect the setback requirements established through the agreed Development Control Plan, and facilitate direct road access to the north of the Urban Release Area.

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 planning proposal is intended to correct the unintended consequences of an amendment that was made to the draft LEP that facilitated the rezoning of Bellbird North. Council is therefore encouraged to consider whether other parcels of land are also potentially affected to the same degree as the subject land and consider including these additional parcels as part of this planning proposal. In this way Council will potentially limit the number of future planning proposals that may be required to address the broader impacts of the initial error.

The Director General's delegate has also agreed that the planning proposal's inconsistency with S117 Direction 6.2 Reserving Land for Public Purposes is of minor significance. No further approval is required in relation to this Direction.

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 Katrine O'Flaherty of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,


8/8/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_CESSN_005_00): to amend the buffer between the Vineyards District and the Bellbird North Urban Release Area, to more accurately reflect the setback requirements established through the agreed Development Control Plan, and facilitate direct road access to the north of the Urban Release Area.

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 1989 to amend the buffer between the Vineyards District and the Bellbird North Urban Release Area, to more accurately reflect the setback requirements established through the agreed Development Control Plan, and facilitate direct road access to the north of the Urban Release Area 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. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Agriculture

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.

3. For exhibition the planning proposal is to clearly identify that clause 66 of the Cessnock LEP 1989 will apply to the land to be rezoned to residential.
4. 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).

5. The timeframe for completing the LEP is to **6 months** from the week following the date of the Gateway determination.

Dated 8th day of August 2011.



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