



Office of the Director General

Ms Lea Rosser
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Our ref: PP_2012_CESSN_006_00 (12/19797)
Your ref:

Dear Ms Rosser,

Planning proposal 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 ("EP&A Act") in respect of the planning proposal to amend Cessnock Local Environmental Plan (LEP) 2011 to rezone land at 8 Mansfield Street, Greta from RU2 Rural Landscape to SP2 Infrastructure (Railway) and E2 Environmental Conservation and amend the minimum lot size provisions for the subject land.

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 inconsistency with S117 Direction 1.5 Rural Lands is of minor significance. No further approval is required in relation to this Direction.

Council is advised that the *Guide to Preparing Planning Proposals* was recently updated and it now requires a project timeline to be included within the planning proposal. A timeline provides a mechanism to monitor the progress of the plan and minimise delays in the plan making process. Council should include a project timeline within any future planning proposal, when it requests a Gateway determination.

The amending LEP is to be finalised within 9 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 Trent Wink of the regional office of the department on 02 4904 2700.

Yours sincerely,


Sam Haddad
Director General

10/11/2013.

Gateway Determination

Planning proposal (Department Ref: PP_2012_CESSN_006_00): to rezone land at Greta for infrastructure and environmental conservation purposes and amend the lot size for the land.

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 Cessnock Local Environmental Plan (LEP) 2011 to rezone land at 8 Mansfield Street, Greta from RU2 Rural Landscape to SP2 Infrastructure (Railway) and E2 Environmental Conservation and amend the minimum lot size provisions for the subject land should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to include current land zoning and lot size maps, which clearly identified the subject site. The 'explanation of provisions' within the planning proposal is to be amended to identify the minimum lot size proposed for the subject site.
2. 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 and Infrastructure 2012)* 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Department of Sustainability, Environment, Water, Population and Communities.

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.

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 be **9 months** from the week following the date of the Gateway determination.

Dated

10th

day of

January

2013

Sam Haddad
Director General

Delegate of the Minister for Planning and
Infrastructure