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Our ref: PP_2013_CESSN_002_00 (13/05663)

Mr Wade Crocket
Acting General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Dear Mr Crocket,

Planning proposal to amend Cessnock Local Environmental Plan 2011

I am writing in response to your 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 rezone land at Wine Country Drive, Palmers Lane and McDonalds Road, Pokolbin from RU4 Primary Production Small Lots to SP3 Tourist.

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.

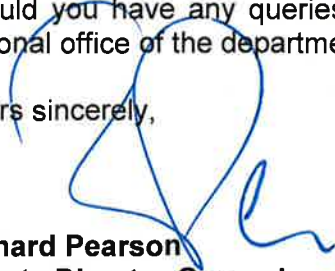
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan because various strategic and environmental matters are to be addressed by Council before the planning proposal can proceed to public exhibition.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council's request for the department to draft and finalise the LEP should be made 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 section 54(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 Michael Leavey of the regional office of the department on 02 4904 2700.

Yours sincerely,


Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery

7/5/13

Gateway Determination

Planning proposal (Department Ref: PP_2013_CESSN_002_00): to rezone land at Pokolbin from RU4 Primary Production Small Lots to SP3 Tourist.

I, the Deputy Director General, Planning Operations and Regional Delivery at the 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 land at Wine Country Drive, Palmers Lane and McDonalds Road, Pokolbin from RU4 Primary Production Small Lots to SP3 Tourist should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the 'explanation of provisions' within the planning proposal to identify how the intended outcomes of the proposal are to be achieved by an amendment to Cessnock LEP 2011, including advising whether the proposal intends to amend the minimum lot size of the subject land and advise of the maximum development potential of the land.
2. Council is to consider extending the proposed SP3 zone to include the entire Vintage site to reinforce the integrated nature of uses on the land. If this approach is supported, Council is to amend the planning proposal and accompanying maps accordingly, prior to undertaking public exhibition.
3. Council is to place on public exhibition the draft land use table for the SP3 zone and current (and where applicable, proposed) land zoning, lot size and urban release area maps, which are at an appropriate scale and clearly identify the subject site.
4. Prior to undertaking public exhibition, Council is to update the planning proposal to include a project timeline, consistent with Section 2.6 Part 6 of the *A Guide to Preparing Planning Proposals*. The project timeline is to provide a mechanism to monitor the progress of the planning proposal.
5. Prior to undertaking public exhibition, Council is to update the planning proposal to identify the subject site as an Urban Release Area and include 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 to require the development to contribute towards the provision of infrastructure.
6. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (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.
7. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - flora and fauna
 - bushfire risk
 - Aboriginal archaeology
 - traffic
 - infrastructure and services
 - water management

- social and economic impacts of the proposal
 - agricultural land suitability and capability
 - flooding
 - visual impact
 - public utility feasibility
8. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions and other relevant documents:
- 1.2 Rural Zones
 - 1.5 Rural Lands
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - Upper Hunter Strategic Regional Land Use Plan
 - Lower Hunter Regional Strategy
 - matters raised by the Planning Assessment Commission in its assessment of the Golden Bear and Vintage Balance Lands proposals.

Council is to update the planning proposal accordingly prior to undertaking public exhibition, and provide a copy of the revised planning proposal to the department's regional office.

9. 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 a minimum of **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 & Infrastructure 2013)*.
10. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act, associations and/or to comply with the requirements of relevant S117 Directions:
- NSW Aboriginal Land Council
 - Office of Environment and Heritage
 - NSW Department of Primary Industries - Agriculture
 - NSW Department of Primary Industries - Minerals and Petroleum
 - Hunter Water Corporation
 - Transport for NSW - Roads and Maritime Services
 - NSW Police
 - Hunter Valley Wine Industry Association
 - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
 - NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)

Each public authority 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.

11. 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).
12. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated

7

day of

May

2013.



Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure