



Our ref: PP_2013_CESSN_007_00 (13/16565)
Your ref: EE68/2013

Mr Stephen Glen
General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Att: Bo Moshage

Dear Mr Glen,

**Planning proposal to amend Cessnock LEP 2011- Deferred Matter
PP_2013_CESSN_007_00**

I refer 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 LEP 2011- Deferred Matter PP_2013_CESSN_007_00

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 note that Council has not requested delegation for this planning proposal. Given the scale and nature of the proposal I have elected not to issue Council with delegation to finalise this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months. 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 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 Ken Phelan of the Department's Newcastle office on 4904 2705.

Yours sincerely,

Michael Leavey
Regional Director
Hunter & Central Coast Region
Planning Operations and Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_CESSN_007_00) to zone Deferred Matter land, set minimum lot sizes, rezone certain infrastructure to SP2 , introduce local controls over the RU2 zone and fully reflect identified heritage items in Schedule 5 and on maps.

I, the Regional Director, Hunter & Central Coast Region 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 zone Deferred Matter land, introduce local RU2 zone controls, establish minimum lot sizes of 40ha for the RU 2 Rural Landscape Zone and 80ha for the E2 Environmental Management Zone, rezone certain infrastructure to SP2 and reflect identified heritage items in Schedule 5 and on maps 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 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)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - **Office of Environment and Heritage**
 - **Office of Environment and Heritage- Heritage Office**
 - **Office of Environment and Heritage- National Parks and Wildlife Service**
 - **Department of Primary Industries- Agriculture**
 - **Transport for NSW- RailCorp**
 - **Transport for NSW- Roads and Maritime Services**
3. 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 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. Council is to update the Planning Proposal to:
 - a) map all areas to be rezoned at legible scales;
 - b) make clear that the areas to which the plan applies;
 - c) correct the map title spelling to read 'Deferred Matter' on the Wollombi heritage map and explain the beige colour-code in the heritage map legend;
 - d) format the heritage schedule and mapping to comply with Standard Instrument LEP technical requirements; and

- e) include information on the basis for the zones and how the proposal is consistent with the Lower Hunter Regional Strategy Green Corridor and with the Cessnock Citywide Settlement Strategy.
- 5. Council is encouraged to exhibit a schedule listing all Deferred Matter properties grouped by suburb showing street address and real property description, indicating for each the proposed zone change, any heritage listing and the minimum lot size.
- 6. Council exhibit:
 - a) the Cessnock Citywide Settlement Strategy identifying the environmental areas
 - b) heritage studies which recommend the extension of Wollombi Conservation Area and any new listing of heritage items
 - c) relevant extracts from Hunter REP (Heritage), 1989
- 7. Infrastructure asset owners in the proposed SP2 zones be notified of the planning proposal exhibition.
- 8. Property owners within the proposed expanded Wollombi Conservation Area be notified of the exhibition.
- 9. 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).
- 10. The timeframe for completing the LEP is to be **12 months**.

Dated 11th day of November 2013.


Michael Leavey
Regional Director
Hunter & Central Coast Region
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure